

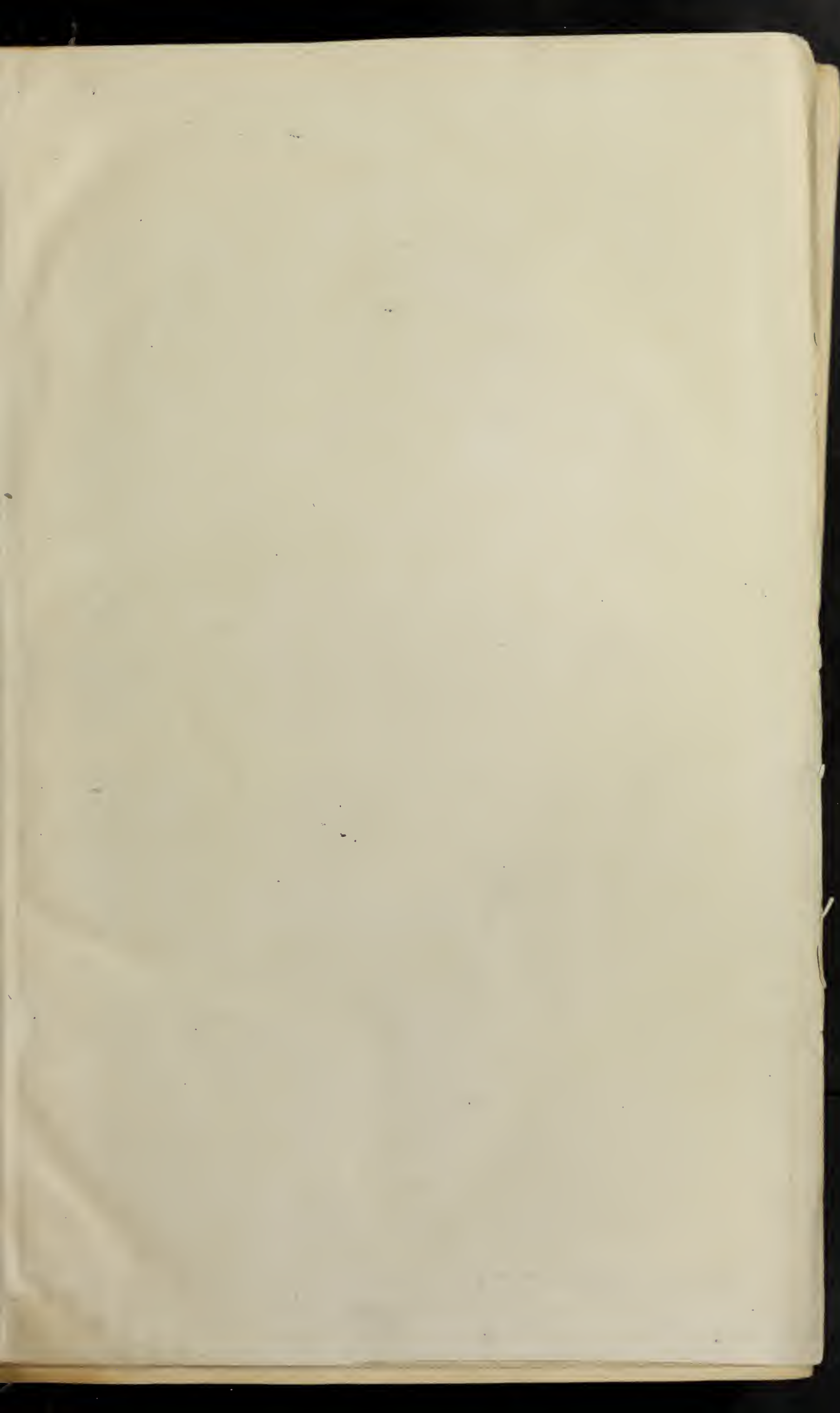
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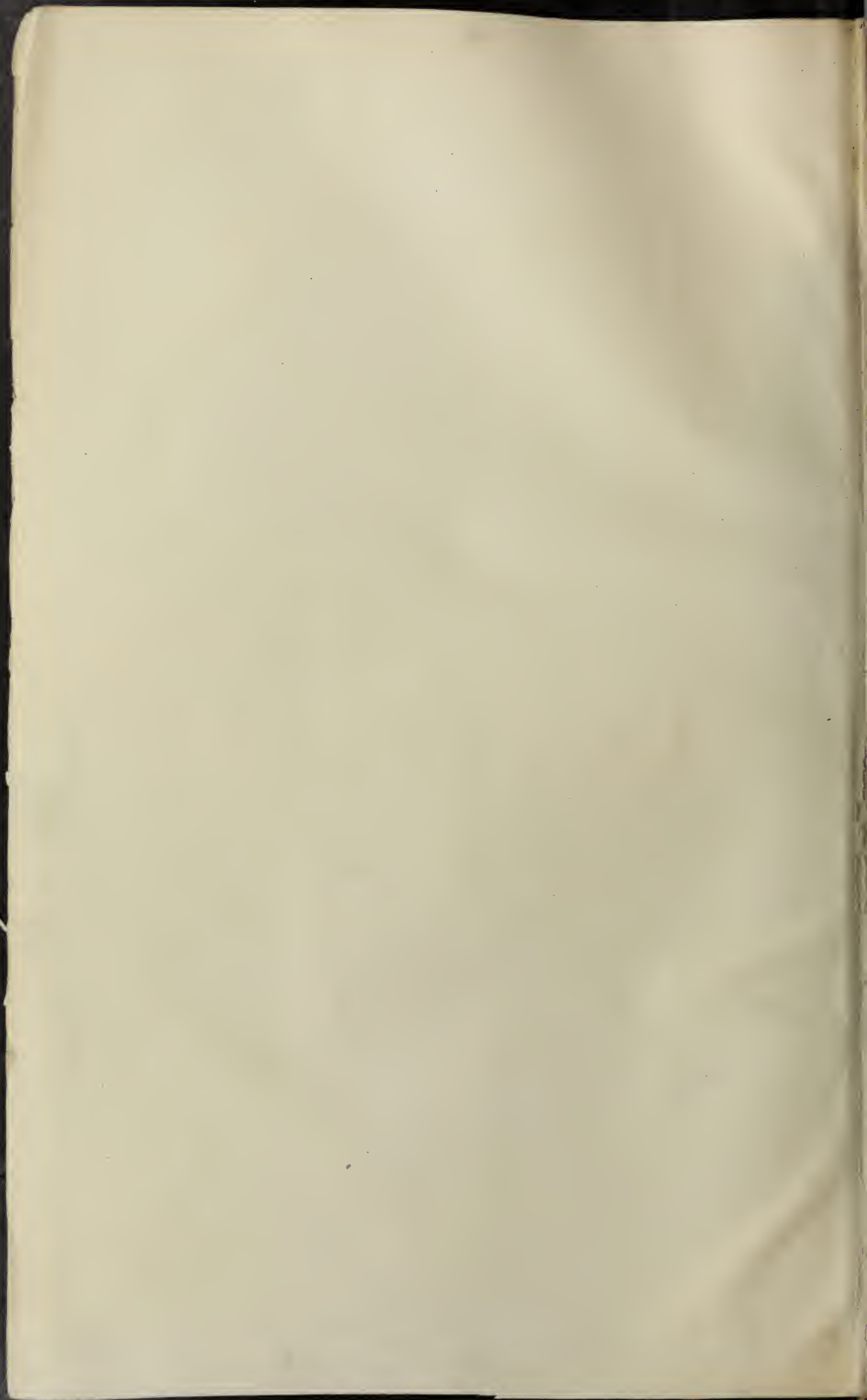
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SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1,

Thursday, 24th October 1889.

(*Mr. Biggar.*) I thought perhaps your Lordships might want to give some instructions with regard to the course of proceeding; but I understand what is likely to take place is, that I will say a very few words with regard to what I have seen and heard of this case. My friend, Mr. Davitt, will then follow me at very much greater length. Then I believe the reply will take place on behalf of the “Times.”

Now, in this case, I think myself that the Attorney-General is entitled to exceeding great credit for the skill he has exhibited, and the talent he has displayed with regard to the conduct of this case. In this way: We have to-day in Ireland a saying that when a barrister has no case whatever, the greatest talent that he can exhibit is to make the thing as confused as possible, and I think from that point of view the Attorney-General has exhibited the very greatest skill and ability. At the same time, we are entitled, I think, to thank the Attorney-General and also Mr. Soames for the very great length which this case has reached, and the amount of money they have encouraged the “Times” to throw away upon the exceedingly worthless evidence which they have laid before the Court.

I do not propose in the smallest degree to go into the details of the evidence, but I would like to make a few remarks with regard to the general tenour of the evidence. Your Lordships will remember that at a very early stage of the proceedings the class of evidence which the Attorney-General laid before the Commission, was with regard to a succession of outrages which took place in certain parts of Ireland. As far as I remember, the outrages of which evidence were given were very much confined to a few counties—in point of fact, I think entirely confined to a few counties. Well, in those cases he was called upon to show that the evidence of that description which he offered could be connected with the different parties who are charged on this inquiry, and the Attorney-General undertook to, and pledged his professional word, that he would connect the evidence which he then offered, with the different parties who were charged. Well, what is a very strange thing with regard to the parties charged is, a very large number of gentlemen were specifically named in the charges which were laid before the court, and in a very large majority of cases these parties were never named in any part of the evidence. Now, I think that we are entitled to an apology—at least, these gentlemen are entitled to an apology—for, in the first instance, for their names being used, and then, having had an undertaking given that certain charges would be brought against them of connexion with outrages of a heinous nature, and seeing that, as the Attorney-General has not done so, I think that these gentlemen have very great cause to complain.

Now, there was one peculiarity with regard to all, or the greater proportion, of the charges of which evidence was given, namely, the fact that with regard to almost every one, if not every one, the witnesses in cross-examination acknowledged that there were some existing causes which would be likely to bring outrage upon these parties, irrespective entirely of the action of any parties at a distance, or of causes beyond the were cause of revenge in the neighbourhood. Of course, we know very well that very great crimes are committed in some cases for very slight causes; there are other cases where very great provocation is given in which no crime is committed. But I contend that in each and every one of the outrages which have taken place in Ireland, in fact the evidence also corroborates that theory, that in each and every one of the cases in which outrage took place, there may be explanation given, and reason given, why an outrage took place from the circumstances which occurred, and which excited the passions of the parties who had been injured, or who lived in the neighbourhood.

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[Continued.]

Now, to corroborate, or attempt to connect the parties charged with these outrages, a certain class of evidence was opened by the Attorney-General. One of the classes of evidence was the speeches which were read by Sir Henry James and by other gentlemen who represent the "Times." With regard to those speeches, the Attorney-General never attempted, so far as I know, to connect directly any of the outrages—any individual outrage—with any speech which had been made. He gave evidence, I think, more specifically with regard to quotations from speeches which I made. I remember he gave evidence with regard to a speech I made on one day in county Leitrim, and the succeeding day in county Tyrone, but he did not show that any outrage whatever followed from the speech; and he did not show that these speeches had been published in any newspaper which was likely to be read by parties who afterwards committed outrages. And I would be disposed to say with regard to all the speeches which I heard read, not only my own but those of other parties who are charged here, that the whole tendency of these speeches was to recommend against outrage and in favour of combination on the part of tenant farmers in favour of their individual interests. That was the whole tenor of those speeches. It is all very good to quote a few words, or part of a sentence, or even a single sentence out of a speech, and allege that this taken by itself would convey that something of a mischievous nature was intended; but I contended that nothing of the sort took place with regard to any speech which was fully, fairly, and dispassionately considered by the parties who heard the speech. And I may say this, that speeches made to a crowd of people, if an outrage followed immediately after, there might be some reason for alleging that this had a specific effect upon the minds of the hearers; but we know very well that memory is defective, and even supposing an outrage followed on the part of those present at a remote time, it would be no fact to connect it with the speech; but, in point of fact, no evidence ever was given that any outrage followed immediately, or soon after, any one of the speeches which were made; and it is not alleged that the local newspapers, or papers likely to be read by those who committed outrage published these speeches.

Now, I made a remark with regard to another section of the evidence tendered by the Attorney-General, that is with regard to threatening letters. It is also a strange thing with regard to these threatening letters, as far as I know and believe, not a single person was made amenable for the posting of these threatening notices or threatening letters. Now, it is perfectly impossible to know, and it is absurd to allege, that we were responsible in any way for the publication or posting of these threatening notices. And not only so, but a very peculiar part of the evidence that was also given by the Attorney-General was evidence which entirely cut away the file of any allegation which he made against us with regard to threatening letters. He gave evidence that land agents and landlords got private communications from individual tenants, asking them to take proceedings against them, or to seize their stock, or in some way to make it appear that these people were coerced to pay the rent, without being willing to pay the rent, not being willing to acknowledge to their neighbours that they were willing to do so. Now a man who would be willing to write a private letter to a landlord or land agent for the purpose of alleging that, and wishing it to be supposed that he is unwilling to pay his rent, although he is willing to do so, is the very sort of man who would be likely to post a notice which would be supposed to have a threatening object against himself. So that in point of fact it was an attempt in the very smallest degree to connect the parties charged with any of these things, with any of these threatening notices. And I think it is probable that in the great majority of these cases the parties wish to make it appear that they were threatened, although in point of fact they were not threatened at all.

Now I would like to make a remark with regard to another class of evidence, namely, the evidence of the land agents and landlords who were examined before this Commission. And in the remarks I am going to make, and the adverse criticisms I am about to offer, I propose to leave out one individual gentleman who gave evidence, namely, Mr. Seward, who is agent for the trustees and creditors of Lord Kenmare. Now, Mr. Seward acknowledged that he was carrying on a very great persecution; but he acknowledged what has been denied by practically all other landlords or land agents that gave evidence, a number of things which are of the very utmost importance. One of the things which Mr. Seward swore was this: that the people were in what he called blue poverty in 1879 and 1880. Now, our contention always has been that

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when people are in very great poverty and when they are driven, as it is called, with their backs to the wall—when they are at bay—they are very much more likely to commit outrages than they are when they are not in needy circumstances. That, of course, is very likely. Well, Mr. Seward, also acknowledged another thing, namely, that it was a very unpopular thing to take land from which others had been evicted. Mr. Seward also said that people suffered very much from evictions, and it was a very great hardship upon these people. Well, what was the usual evidence of the class of people who came before us who represented the landlord class? They, in the most unblushing manner, swore that there was no distress in 1879 and 1880. They also swore, in most cases, that they insisted on getting full rents paid. The very men who did this were, in very many cases, the chairmen of committees or on the committees that were distributing relief to those unfortunate tenants, from whom they extorted the full amount of legal rent which they had been charged in times of prosperity. And, I say, as to these men who gave evidence of that sort, one and all committed awful and deliberate perjury. He also swore, which was perfectly untrue, that until 1879, it was not an unpopular thing to take land from which others had been evicted. That is not the fact. It has from time immemorial been looked upon as an improper thing, and a highly improper thing, and a malicious thing to take land from which others had been evicted. I suppose the exact words “landgrabber” were not used, but in the north of Ireland in my early youth a man who took land from which another had been evicted was looked upon as a very disgraceful person. It always has been so, and always will be so. A man who is disposed to take advantage of the misfortunes of his neighbours will always be looked upon as an objectionable person, and held up to reprobation—perhaps not in so very formal a manner, and perhaps no outrage will follow from it—but at the same time he would not be likely to be a popular man, or on friendly or cordial terms with his neighbours.

Now a great deal has been made of the question of boycotting. Boycotting takes place in Sweden, boycotting takes place all the world over; boycotting always has taken place, and always will take place. Of course the express word “boycott” is a new word, because it was used in connexion with Captain Boycott, a gentleman who gave evidence before this Commission. Then there is another thing. We have the evidence of the police, and what is the evidence of the police? The police did not swear in a pointed and determined manner that there was no suffering in 1879 and 1880, but they shuffled and prevaricated, I mean as a rule. Some few policeman did swear in a very candid manner, but the great mass of policeman prevaricate and do swear as near as possible to what they believe will suit the case of the parties whom they represent, and that was the ordinary custom with regard to these men. But I remember in regard to a Kerry case, a very curious crop of evidence given by a particular policeman. He swore that he knew the parties connected with a moonlighting outrage in county Kerry. He was asked did he bring these people to justice? No, I did not bring these people to justice. I did not prosecute them at all; I did not take anyone a prisoner. Why not? he was asked. Because I thought from a detective point of view, it was better to let the thing go on for a length of time. Now, that was a very fair example of the manner in which the detective system is carried on. In the early stages of crime the police encourage them as much as possible, till they get to what they consider a sufficient amount of importance to catch the public eye. They did not try to keep outrage down, but they merely wish to carry it on to such an extent, as they think will make a thing sufficiently important to satisfy their employers. Now, under these circumstances, I think the Commission ought to report, that no substantial thing has been brought against myself or any of the other defendants. Of course, this Commission has occupied a very great deal of time, and the peculiarity of the case is this—The Commission cannot, it is said, do anything; all they can do is to report; and when the Commission has reported, if the report is not satisfactory to either one or other of the two parties concerned in the enquiry, of course it will be perfectly open what the effect will be, and a very great amount of criticism will take place with regard to this report. Of course, the nature of the report is entirely a question for the Commission. They can report as they please, and then of course we will have an opportunity of judging the value of that report.

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M. DAVITT.

(*Mr. Davitt.*) My Lords, before asking your permission to make some observations on this case, I will request your Lordship to allow me to make a brief explanation with reference to some statements made by me in my evidence with regard to the Irishtown meeting. The statements were not of a very important character, but they are on the Official report of the proceedings, and I think it right to ask to be allowed to make these corrections. At page 5574 I said that Mr. James Daley, of Castlebar, did not preside at the Irishtown meeting. I also said that the tenants on the Burke Estate of Irishtown, had made certain representations to me which induced me to organise with others the Irishtown meeting. I also said that the Rev. Canon Jeffrey Burke, at Irishtown, was connected with this particular estate. I find that I was misled to a certain extent by my informants. I have sent specially to the district, and made inquiries, and I find the facts to be these: Mr. Daley at Castlebar did preside at the meeting, and that the James Daley of Irishtown, whom I said presided on the occasion, acted as secretary to the meeting. I find also that the property in question—the Burke property—was situated four miles from Irishtown, and belonged to a brother of the Rev. Canon Jeffrey Burke. Your Lordships will see that the statements I made were not very materially different from the facts which I now bring before the Court, and I thank you for allowing me to correct my evidence in that respect.

My Lords, I appear before you to try and perform a task than which a more heavy or more responsible one was never attempted by a layman in a court of law. To fulfil the duties of such a task, in their completeness, would demand the exercise of the ablest and most experienced legal talent at the command of any man in these three countries. For, my Lords, the possible issues of this Commission may be far-reaching in their political effects through the impressions which your Lordships report may, or may not make upon the public mind of Great Britain and Ireland. And, if the experience of law, the knowledge and the ability which I am only too conscious of not possessing, should in any way contribute to a decision adverse to the persons here charged, my responsibility would indeed be an unenviable one to bear.

I must, therefore, at once state to your Lordships that I appear here to-day, as I have done from the opening of this Commission, on my own behalf alone. What I will feel it my duty to say on the evidence, the arguments I may use, and the opinions which I may express, will be in my own, and not in anybody else's defence. I know right well that in appearing here at all at this stage, and undertaking to address this Commission, I will run counter to that popular opinion in Ireland which has endorsed the action of Mr. Parnell in withdrawing himself and the case of his colleagues from further attendance upon this tribunal. Nevertheless, I feel impelled by a sense of loyalty to two cardinal principles of a somewhat stormy political life, by a religious allegiance to truth and justice, to stand here and to defend, as well as I can, the name, and character, and cause of the peasantry of Ireland, whose protests against wrong and to whose demands for redress I have tried in season and out of season to embody and enforce in organised articulate action. And, my Lords, I confess there are personal as well as other reasons why I have determined to ask for a hearing from this Court at this stage. The Land League, which is here on its trial, was largely, though not entirely, the offspring of thoughts and resolutions which whiled away many a dreary and tedious hour in political captivity. It lightened the burden of penal servitude, and brought compensating solace to some extent for the loss of liberty, of home, and of friends, to think and reason, and plan, how, when freedom should once again restore me to the rights and privileges of society, I should devote to the good of Ireland what strength of purpose or ability of service long years of patient study and yearning aspirations should equip me with in a just cause. And, my Lords, the idea of the Land League recalls more than even this to justify my present position. The conception of some such movement did more than give to my thoughts a congenial occupation while in the companionship of the thieves of Dartmoor prison. It represented the triumph of what was for giving over what was revengeful in my Celtic temperament. For there is in every one of us, whether Celts or Saxons, a living constant combat between what is good and what is, in its nature, evil. And when one finds oneself in prison at the age of 22, bereft of every thing that endears us to life, and surrounded by every condition of existence that could excite and keep alive passion and resentment; it was a hard and unequal struggle to conquer the spirit of hate and revenge. Yet I say it now, and I do so with my whole

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[Continued.]

political work of the last ten years open to inquiry, that I believed as firmly in Dartmoor as when I made my last political speech on a public platform, that a movement upon the lines of the Land League would result in removing the barriers which prevented the people of Great Britain from understanding and doing justice to the people of Ireland. Nay, more, I convinced myself then, as now, that the ultimate outcome of such a movement would be the sinking of racial animosities, and the cementing in bonds of friendship and equalities the democracies of these three countries. I felt also, then, as now, that a movement of such a nature would be a presentation of the Irish idea to Great Britain, and to the world, that would place Ireland in its rightful position among civilised nations as the advocate, not for her own people alone, but for all peoples, of social justice, and of the full rights of the labouring masses everywhere. It was with me then, as when, on my release from Portland prison in 1882, after completing nine years imprisonment, I wrote the following words to the London "Standard" in a letter which Sir Charles Russell has read to your Lordships:

"I have suffered by their power, and, as I believe, by their ignorance and prejudice; but there is no bitterness in my heart to-day towards the English people. The doctrine of the land for the people is a universal gospel, and in its triumph is involved the social regeneration of England as clearly as the social regeneration of Ireland."

With a motive more or less from the beginning of a character like this, no matter how, occasionally, it has been obscured by intemperate language or fits of political passion, I feel I am compelled to come before this tribunal and justify the spirit and intention of the Land League, its programme and its acts, as well from the charges which political malignity has made against them. This, my Lords, by way of personal explanation.

I am concerned for the other persons charged only to the negative extent of asking the Court to hold me alone responsible for anything which I may feel it my right or my duty to give expression to here. And if I should exhibit on a huge scale that folly which briefless barristers say belongs to those who act as their own lawyers, I ask that the consequences of such alleged folly shall be put down to my own and not to anyone else's account.

But, my Lords, there is yet another personal request I have to make at the hands of this tribunal, which is obvious from my position here. I venture to say there never has occurred in your Lordships varied experience an occasion where a layman, pleading his own case, called for the exercise of more patience and forbearance from a judicial bench than in this instance. The magnitude of the case itself, the length of time which it has occupied, the number of witnesses that have been called, the varied and contradictory character of the evidence pro and con, the gravity of the indictment, and the innumerable points where legal skill is required to discriminate between illegality by consent, by ignorance, or by accident—all these considerations, and scores of others must, I am sure, be present to your Lordships minds, and make an appeal there for my legal ignorance—an appeal which will neither be foreign to your Lordships disposition to grant nor to the exercise of the exalted functions which the Legislature has committed to this tribunal to discharge.

So far as Sir Henry James is concerned, I am sorry he has not a foeman more worthy of his steel. I regret, indeed, that the able Counsel who originally intended to speak at this stage had not an opportunity of doing justice to the case which the defence has put before the Court. Mr. Reid, Mr. Lockwood, and Mr. Asquith would use their great legal ability and experience with benefit, I am sure, to your Lordships patient study of so vast a case, and would give Sir Henry James something to reply to. But I am sure a lawyer who is at once so courteous to his opponents and so comparatively omnipotent to myself, as Sir Henry James, will not turn to advantage against others any mistake which I may be betrayed into, either by want of knowledge of law or by inadvertence. I ask this, however, from Sir Henry James, but not as counsel for the "Times," from which enemy I would feel myself degraded to request any consideration except its continued, unmitigated, rancorous hostility.

My Lords, the part which those charged have been compelled to play in the drama of this Commission, is full of pain. To drag out from the buried records of the past

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M. DAVITT.

[Continued.]

10 years, and expose to the comment and gaze of this Court, and the whole world, every unhappy crime and mishap of a period of virtual revolution, and for political and party purposes, openly avowed by Mr. McDonald, when he admitted in that witness box that he published the first of the forged letters on the morning of the division upon the last Coercion Act, to dissect, as it were, the social life of a people, and compel political opponents, who are the leaders of that people, to take part in the operation, was meant to be a work which was to hold up the Irish nation to the hate and contempt of the people of Great Britain, and thereby achieve a purpose as politically vindictive as the means and men employed by the "Times" in this congenial task were malignant and unscrupulous. These charges and allegations were not alone meant to achieve a present political end; they were intended to fix upon Nationalist Ireland a stamp of moral obliquity that would carry a stigma against the Irish race wherever found on the surface of this broad earth. It was to deprive Irish political opponents of British political allies in England, Scotland, and Wales, and to take from the Irish cause, as represented by Mr. Parnell, the moral support of sympathising opinion in every English-speaking land; that the articles "Parnellism and Crime" were written; that the infamous forged letters were printed for world-wide circulation; and finally, for which the "Times" has practically thrust upon your Lordships the severe, laborous, and onerous task of virtually trying the Irish nation on an indictment drawn up by Richard Pigott.

Under these circumstances, I am satisfied that the latitude which your Lordships will allow me, in commenting upon the agrarian crime of Ireland, before and during the Land League period, and upon the general subject of the cause of agrarian outrage, will not be narrowly circumscribed by a rigid enforcement of strictly professional pleading. I address this Court not only for myself, but for the people from whose poorest class I have sprung. This is the class to whom, chiefly, the evicted tenantry of my country have invariably belonged. They compose, practically, the Celtic part of Ireland's population. They represent both the fight which Ireland has uninterruptedly made against the landlord system from the days of Elizabeth to our own, and the race which it has been England's policy to subdue, or exterminate, from that period to the present. I belong to that race whose heritage has been one of brutal persecution and oppression in its own land, and of calumny and misrepresentation in exile. Its misfortunes were my earliest study in political science, and I have had to bear my share of its unhappy destiny. Its sufferings for religious, social, and political privileges are however next to its never ceasing struggles to assert its natural and national rights, a compensating inheritance for centuries of systematically inflicted wrong. As it was mainly the poorest of Ireland's population—at least during the present century—which has suffered by the system of Irish landlordism, so has it been chiefly from among the class to which I belong that combinations have sprung which had for its object to curb the injustice of that system. These combinations have taken many forms, and are known under a variety of names to the student of Irish history. As Allison the historian says:—

"Combinations are the natural resource of the weak against the strong, of the poor against the rich, of the oppressed against the oppressor. As such they have been known in all countries, and in all ages, and have often rendered important, sometimes beneficial, service to society."

Wherever in history we find these combinations, whether in a peasant's war in Germany, or in a Whiteboy organisation in Ireland, or, say, in the trades unionism of Sheffield, Manchester, or Glasgow, of 30 years ago, we discover the crimes and excesses committed to be in proportion to the causes which an unenlightened law permitted to operate in the production of discontent and its inseparable accompaniment of illegality and outrage. The condition and treatment of the poorer tenantry of Ireland have not been, and could not be, humanly speaking, free from the crime which injustice begets everywhere. For that violence which has taken the form of retaliatory chastisement for acknowledged merciless wrong, I make no apology on the part of the victims of Irish landlordism. For me to do so would be to indict nature for having implanted within us the instinct of self defence. But I shall repel with all my limited power and ability, the entire case of the "Times," which seeks to place at my door, and on the name of the Land League the legal or moral responsibility for crimes and occurrences that are as repugnant to my nature, and to the Irish race, as to any person among our accusers, or any nation on earth.

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M. DAVITT.

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We say, my Lords, that these deplorable and unhappy deeds were the rank undergrowth of an unjust and unnatural social system which was inseparable from Irish landlordism as administered by the class for whose interests it was alone upheld by a shortsighted law, a law made by a legislature which not only did not represent the wants, feelings, or necessities of the Irish people, but which repelled attempt after attempt time after time, year after year, on the part of the Irish representatives to so reform this system and law as to protect the rights of agricultural industry, and cure the social disease which bred discontent and incited human passion and sense of wrong to deeds of crime and violence. The "Times" in its charges against myself and others, purposely overlooks in Ireland, or deliberately challenges, the existence of all economic, social, or political incentives to disorder and outrage, with the object of bringing home to the persons charged both the legal and moral responsibility for their commission. It has placed before the world, and has had circulated, either by its own or some other agency avowedly political, millions of copies of these charges, broadcast over these countries, for the purpose I have already defined. That this has been done exclusively for a political end no one can truthfully deny. Party and political motives are the very life of "Parnellism and Crime." Racial animosity also played its part in this crusade of calumny. The voters of Great Britain were told what a murderous people those of the South and West of Ireland were, under the teaching of myself and the other persons, and the Land League. It is therefore a mockery of the names of justice, of law, and of public duty, for Counsel for the "Times" to pretend now that it was a regard for these civic virtues which prompted it to scatter wholesale accusations against Irish leaders in "Parnellism and Crime." Just as well might a professional burglar set up as a defence the plea that he broke into a house and stole its plate in order to prove his respect for law by exercising the detective powers of the police in its vindication. No one inside or outside of Printing House Square believes anything so supremely absurd as this. From beginning to end of this conspiracy against Irish leaders, it has been nothing else but a political crusade, of the most undisguised and desperate character, to ruin political opponents, so as to serve a political object. And it would be utterly impossible for me to defend myself and the Land League against the charges and tactics of opponents using such weapons, if I were to be rigidly confined to the mere legal bearings of this practically political indictment. I know right well that your Lordships' duty here is to interpret the law, and to investigate how far the indictment put forward by the "Times" has been proved by legal evidence; and to what extent the accused have cleared themselves from the criminalities charged against their acts and words. But I maintain it would be insulting the common sense of this Court to suppose for one moment that your Lordships, unlike the whole world outside these walls, looked upon this case as one totally disconnected from party and political causes. My argument must therefore necessarily partake of a political, as well as of a legal, defence, if I am to clear myself by the evidence from the accusations of the "Times." I will ask the privilege, if I cannot demand the right, of tracing to acknowledged efficient causes crimes and occurrences that are levelled at my teaching. This, I am sure, will not be denied me. If I were called upon to defend myself against, say, the charge of polluting the Thames and making it dangerous to the public health, because I had with others planned and tried to carry out, with the sympathy of the mass of London's population, a scheme of sanitary drainage, I imagine I would be permitted to show how London's old sewerage system was alone the seat and source of the malady imputed to my agency. What I propose doing, however, in my observations is, not to make a political justification answer the purpose of a legal defence, but to explain to your Lordships and the public outside the origin and growth, the scope and meaning, and the development of certain movements in both Ireland and America, with later phases of some of which movements I am charged with having had criminal alliance.

Next, I am anxious to dwell upon and to briefly describe the social condition of Ireland; the efforts at its constitutional amelioration and their failure which immediately preceded the Land League, in order that the judgment which this Court will give may be one that has fully taken into account the defence which the Land League makes through me against the charges of its accusers. And my entire defence will be that the Land League was a *bonâ fide* constitutional organisation; that its origin was the inevitable growth of Irish political and economic development; that its aims, and objects, and *media* were constitutional; that its work has been beneficial, and

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[Continued.]

has influenced, and is still influencing, the course of enlightened legislation in these countries, while the crimes and outrages which have taken place in Ireland from the date of the foundation of the League, and which the "Times" charges to its agency, were incidental to the system which the League was established to abolish, and but accidental in coincidence with the movement which proposed as its programme of reform what the Legislature is now contemplating as a measure of justice and sound policy.

Now, my Lords, with these introductory observations your Lordships have indulgently permitted me to make, I come to the definite charge made against myself, and I must say, my Lords, that my position in this inquiry is in every respect a singular one. No charge whatever was preferred against me by the "Times" when this tribunal begun its investigation into the allegations contained in the proceedings of O'Donnell v. Walter; though in such proceedings, as in the articles "Parnellism and Crime," I was as liberally dealt with in the matter of accusation as if I had the fortune, or misfortune, to be an Irish Member of Parliament. Nor was there any mention, directly or indirectly, made of my name among those who are alleged, in the particulars delivered to Mr. Parnell and others, to have been guilty of crime, and with whom Mr. Parnell and others of his colleagues are declared to have been associated in the carrying out of unlawful acts. I bring this circumstance to your Lordships' notice, not altogether with a view of influencing a judgment which will, however, I am sure, take cognizance of so tacit an admission on the part of the "Times," that no tangible proof was in its possession or within its reach that could convict me of what was alleged against me by the writer of "Parnellism and Crime." I desire also that your Lordships should infer from this circumstance—this strange reluctance to charge me here with what I had been accused of elsewhere—a want of honesty of purpose towards this tribunal which to that extent disentitles the accusers in this case to your Lordships' lenient judgment. It has been repeated, the Lord only knows how many times, by the Attorney-General, that his clients were here to help your Lordships to perform the task which the Legislature has imposed upon you. Counsel for the Plaintiffs, according to their professions, were but actuated with the purpose of aiding your Lordships to unravel the truth in this inquiry from a labyrinth of uncertainty and doubt.

Now, supposing, my Lords, that I had chosen not to appear before this tribunal; that I had selected not to challenge the "Times" to a proof of the allegations made elsewhere against me, but omitted here, would your Lordships, in face of what has now been sought to be proved against me have had from the Attorney-General's clients a candid and honest help to the unravelling of the case which has occupied your Lordships' attention from October last year to the present day? What I accuse the "Times" of in this connexion, my Lords, is this: Either in omitting to proceed against me in the first instance—the plaintiffs had no evidence of a reliable character to sustain the allegations made against me in "Parnellism and Crime," or they possessed such evidence. If the first of these propositions be accepted as an accurate description of their position towards me, then the particulars served upon me, when I demanded your Lordships' interference, were untrue, or unjust, or both, and should never have usurped the place of an apology and an atonement to me before this tribunal. If, on the other hand, the "Times" had in its possession, or within its reach, on the 22nd of October, 1888, a knowledge of what was charged against me on the 27th of October of that year, then I say the omission to prefer these charges and allegations until my challenge compelled them to enter the lists against me, exhibited a *mala fides* on the part of the Plaintiffs towards this Commission, and some sinister purpose foreign to the alleged sense of public duty which is claimed to have governed the action of the "Times" in its attitude towards Mr. Parnell and his colleagues.

I could have remained outside of this inquiry if I had so chosen. It would have been to my advantage to have done so, pecuniarily and otherwise, but, apprehensive that the refusal to proceed against me covered some design to make Mr. Parnell responsible for acts with which I am more directly concerned than any other human being, namely, the foundation of the Land League in Ireland and the extension of the Land League in America—acts which I, in common with Mr. Parnell, deny to have been criminal in themselves or as having been performed for ulterior purposes—I resolved to ask at your Lordships' hands a full inquiry into the allegations that had been made against me in common with others in "Parnellism and Crime" and by the

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Attorney-General as Counsel for the "Times" in the case of O'Donnell v. Walter. If it has been sought by the "Times" during the past 12 months to make me out a criminal conspirator with the perpetrators of outrage, let it be borne in mind that I have faced the accusations voluntarily, that I have courted investigation where the "Times" had declined or feared at first to face it, so far as I was concerned.

Now, my Lords, though the Attorney-General was not instructed to charge me with anything on the 22nd of October 1888, his clients, with a delightful readiness to prove an innocent man more guilty than any of the 64 persons charged as criminals, served me on the 27th of October with the following particulars:—

"The Defendants repeat the particulars delivered to the members of Parliament (a copy of which accompanies these particulars), and apply them to the said Michael Davitt."

They further charge the said Michael Davitt specifically as follows:

"That he was a member of the Fenian organisation, and convicted as such, and that he assisted in the formation of the Irish Land League with money which had been contributed for the purpose of outrage and crime. That he was in close and intimate association with the party of violence in America, and was mainly instrumental in bringing about the alliance between that party and the Parnellite and Home Rule Party in Ireland."

Now, my Lord, assuming for a moment, that the allegations in the last two paragraphs are true, that the Attorney-General's clients believed them to be matters of fact, when this investigation opened on the 22nd of October last year, why was I not included among those between whom, and alleged perpetrators of crime, I was believed by the "Times" to have been mainly instrumental in bringing about the alleged alliance.

Not only was I not so included, but the Attorney-General near the end of the second day's proceedings of this inquiry specifically exonerated me from charges freely alleged by him against others. At page 56 of the official minute, the learned gentleman used these words, with which I think it important to refresh your Lordships' memories. After having remarked that the only references made to me in "Parnellism and Crime" were confined to my former connexion with Fenianism, which remark was most inaccurate, as I will show later on, and as having in certain speeches advocated the total separation of Ireland from England, the Attorney-General said:—

"I am not aware that Mr. Davitt did take any active part in connexion with the organisation of Land League meetings. And certainly, so far as I know, on my instructions with regard to this tyranny which operated upon the tenants, the poor men who were occupying the land, the poor men who were getting their daily wages, as distinguished from persons in high political positions, so far as I know, it was not a part of the views that were advocated by Mr. Davitt. I mention that because I want to bring this clearly to your Lordships' minds that the organisation which the 'Times' attacked, that the organisation which the 'Times' said was supported only by boycotting, which had its sanction in murder, was the Land League organisation, and that at the head of that Land League organisation was Mr. Parnell, Mr. Bigger, Matthew Harris, Brennan, Egan, T. Harrington, Boyton, Sheridan, Kelly, and a number of other persons whose names I have mentioned; but as far as I know, Michael Davitt was not directly connected with this particular part of the organisation which carried on the agrarian agitation, as I have described it, during the years 1880, 1881, and 1882."

Such were the views expressed by the Attorney-General upon the instructions given him by his clients at the very opening of these proceedings, and the strangest possible comment upon them is found in the particulars served upon me three days afterwards, in which I am alleged to have done not only everything that is charged against Mr. Parnell and his colleagues, but, in addition, to have been the *fons et origo* of what has been called "the League Conspiracy," and to be, not the missing, but the objective, link, between the Parnellite party in Ireland and what has been termed the party of violence in America.

I will now deal, as briefly as I can, with the specific charges made against me, after being so fully exonerated from complicity in the matters which your Lordships have

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been appointed to investigate. I will first refer to those charges which, as a reward for my innocence in the matter of the main allegations contained in the proceedings of O'Donnell and Walter, are put forward against me alone, after which I will lump all the other charges made against me in common with the 64 members of Parliament, and try to deal with them in a general defence of the Land League.

The first specific charge is that I was a "member of the Fenian organisation, and "convicted as such."

That I have been in former years a member of the Fenian organisation, I admit. I have said so on a hundred public platforms in these countries during the last 10 years. Whether I was fairly or justly convicted of such membership is another matter. But for whatever legal guilt there may have been in my connexion with such a revolutionary body, I have been made to expiate it by nine years penal servitude. My punishment for this alleged offence began in 1870 and ended on the 6th of May 1882, I having been at liberty on ticket-of-leave from December 1877 to February 1881. I am not, I suppose, to understand that your Lordships were appointed over this tribunal to try me again for a political offence committed 20 years ago and legally expiated five years before the proceedings of O'Donnell and Walter began.

But while I am sure that the fact of this former transgression against the law will not, in this investigation, have the weight of a feather in your Lordships' judgment, except, possibly in so far as it may have been proved—though I contend that it has not been proved—that my after-acts in the Land League were but a continuance of treasonable designs, I have to remember that this is a public inquiry, and that the "Times," in raking up this old score, endeavours to prejudice Mr. Parnell's case before this tribunal and in the public mind by showing his association with me in the movement which we claim to have been perfectly constitutional in its origin, *modus operandi*, and ultimate aim. Remembering this, I feel bound to say a few words in explanation of an act which, though the law of the land condemned it, I claim to have been under the circumstances of the time an act similar to acts which unprejudiced English history has not only condoned but defended, and justified when other powers than England were the governments conspired against, and the conspirators were of continental, and not of Irish, origin. I can further show, my Lord, and will do so as briefly as possible, with your Lordships' permission, that illegal movements like that with which I am charged with having been connected were the logical and inevitable outcome of the short-sighted policy which England has pursued towards Ireland in respect to the national claims and national sentiment of the Irish people. A sentiment, my Lord, accounted honourable and patriotic in every other country, has been held up to ridicule and to contempt by the press of England when associated with the name of Ireland, and this pernicious injustice to which the "Times" has been more addicted than any other journal, has been responsible alike for the unconstitutional policy of English rule in Ireland, and the, at times, fierce character of our resistance to that rule. And it can also be at the same shown that the blind and bungling character of the manner of legislating for Ireland in Westminster, has set a premium upon Irish revolutionary movements, and by postponing Parliamentary remedial measures until illegal methods of reform have menaced the existence of law and order in Ireland, have won invariably a *post facto* justification of really each and all of such unconstitutional movements in Ireland. Surely, if all this can be demonstrated from the facts of history, I am morally and politically exonerated from this charge, after having legally expiated whatever of legal guilt was contained in my connexion with the Fenian organisation.

My Lord, resistance in one form or another on the part of the people of Ireland to the invasion of their national right to rule themselves has been the one ever-recurring feature of the Anglo-Irish question. Efforts persistent and unscrupulous to ignore or destroy this right on the one hand, met and resisted, now, hopelessly; now with more or less success, by the nation sought to be subjugated, on the other hand this struggle carried on ever and always with this extraordinary result that every attempt, whether by way of physical revolution or recourse to political agitation, has been followed by some concession on the part of the Parliament of England or some admission by the chief actors in England's task of subjugating Irish national rights that the movement was more or less a righteous one, or was in consequence of the tyranny or oppression practised upon the people of Ireland in the interest of English domination. It will not require many minutes to demonstrate the accuracy of this statement, and to prove

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how, historically or politically considered, the Fenian movement had a justification for its existence from the success which had attended previous appeals to unconstitutional means of reform after peaceful demands had been refused again and again when put forward by constitutional effort.

My Lord, If the rebellion of 1798 did not prove equally successful to that of 1782, neither did the causes which led to that rebellion, nor the means by which it was smothered in blood and ruin, win from the consciences of English statesmen that approval which an unjustifiable rising of the Irish people might have obtained. It is now a matter of historic certainty that the recall of Earl Fitzwilliam in 1793, when he was actively and honestly devising a policy of conciliation, led to the insurrection of five years afterwards. It is equally certain that Lord Castlereagh actively fomented disaffection through his agents in order to justify the contemplated extinction of the Irish parliament, and that this nefarious policy, working upon the disappointed hopes which Lord Fitzwilliam's dismissal had occasioned, rendered the events of 1798 so memorable a chapter in Anglo-Irish history. Many testimonies might be adduced from the most eminent English authorities to substantiate these statements. I will quote but one, and I select this one because of the names which are called by the writer in proof of his assertions. Lord John Russell, in his *Life of Fox*, Vol. III., p. 396, says:—

“ The language of Fox on the subject of Ireland was always peculiarly strong and vehement ; he, like Mr. Burke, detested the rule of a miserable monopolising minority. He hated the corruption and the intolerance of that *magnum latro cinium*, which, having kept the Irish in bondage, goaded them into rebellion in order to stifle their rightful requests in blood. Not only Burke, not only Fox, not only Lord Fitzwilliam, not only Mr. Grattan, but that gallant and upright soldier, Sir Ralph Abercromby who went to Ireland as commander-in-chief of the army, quite unconnected with any political party, saw, like Burke and Fox, the injustice of the existing tyranny. As a man of sense and feeling, his mind revolted against the *magnum latro cinium*. Here is the impartial judgment which such a man formed of the state of Ireland in January 1799. Long observation has convinced me that all your misfortunes, that all the evils with which you are threatened, proceed from the illiberal the unjust, and the unwise conduct of England. Your legislature and your executive government partake, of course, of the vices flowing from the wretched system of English domination. The vices of the Government affect the manners of the people. If I find a peasantry cunning, deceitful, lazy, and vindictive, I cannot attribute it without impiety to the hand of God, it must come from the iron hand of man, Although the French Revolution and Jacobin principles may be the immediate cause of the events which have lately taken place in Ireland, yet the remote and ultimate cause must be derived from its true origin—the oppression of centuries. Do not imagine that I am weak enough to imagine that a few effusions of lenity and benevolence are to soften and subdue the minds of a people burdened by oppression ; it will require the wisest system you can devise and length of time to effect it.”

Then Lord John Russell goes on to say :—

“ To the same purport was the reply of Fox, in 1801, to those who alleged that the people of Ireland were disaffected. Much has been done since 1801 to remove the oppression of centuries. But ‘the wisest system that can be devised’ has still to be discovered.”

Now, my Lord, it is but natural that the bugbear of the French Jacobins should have been present to the mind of Sir Ralph Abercromby as one of the factors in the revolution of '98, as most of the evils which threatened England at that time were traced to the same source. But, before Wolf Tone had invoked the aid of French intervention, he had declared himself willing to accept of the FitzWilliam policy as a satisfaction of the then grievance of the people, and it is as certain as anything historic can well be that if the humane and enlightened views of Lord FitzWilliam had prevailed there would have been no Irish rebellion in 1798.

The Act of Union against which I conspired in the Fenian movement, was no super sacred compact, even in the eyes of English statesmen and writers. I will not repeat what has recently been said of this infamously contrived enactment by a Prime Minister, under whose administration of the government of the Empire and of Ireland I have

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undergone nine years penal servitude for treason, to a rule which the Act of Union inflicted upon my country. I, however, allude to this denunciation of this Act by Mr. Gladstone, in passing. In the "Life of Grattan," by his son, this passage is found with reference to the means by which Lord Castlereagh destroyed the Irish Parliament:—

"All that could be accomplished by gold or by iron, by bribes or by threats, or by promises, was set in motion. Every effort was strained to bring round those who were disinclined, to seduce those who were hostile but necessitous, to terrify the timid, and bear down the fearless, and those who had at heart the interest and independence of their county. The doors of the Treasury were opened, and a deluge of corruption covered the land. The bench of bishops, the bench of judges, the bar, the revenue, the Army, the Navy, civil officers, military and naval establishments, places, pensions, and titles, were defiled and prostituted, for the purpose of carrying the great Government object, this ill-omened union."

So wrote the son of the celebrated patriot, Henry Grattan.

Yet, my Lords, notwithstanding this deluge of corruption, and the presence in Ireland of 137,000 troops for the purpose of overawing the people, 28 out of Ireland's 32 counties petitioned against the Act of Union, while over 800,000 people added their names to another petition of protest.

This Act has never had either the moral or national sanction of the people of Ireland. They have believed, and do still believe with the Lord Chancellor of Ireland, who said of the bribed and corrupted Parliament of landlords which voted this Act—

"You were not elected to vote away the Legislature, but to legislate. Vote away the Parliament of Ireland, and henceforth resistance to English law becomes an Irish duty, the amount to be regulated by moral and prudential reasons alone."

Now, my Lords, the attempted insurrection of 1803 lives in history only on account of the fate of Robert Emmet. The movement of which he was the sole conspicuous figure, may be said to have been but a revolutionary postscript to the chapter of '98. But the name, the dying speech, and the execution of Emmet, have done more to keep alive the flame of nationality in Ireland, than any other agency of the century, except the stupid and illogical system of government which England has adhered to during the past 89 years. Failure may be written against his young life and labours for Ireland, but if the worship of a name by a people can be placed against political defeat, one of the purest and nobliest exemplars of patriotic impulse who ever gave life in the cause of liberty can claim posthumous victory in the struggle for Irish national self-government.

The agitation for the repeal of the Act of Union was inaugurated in 1810 by the then Protestant Corporation of Dublin. Actual rebellion had failed to win the measure of liberty which Lord Fitzwilliam had been prevented from granting, constitutional agitation was evoked with the object of winning by legal means what physical force had failed to accomplish. National sentiment underlaid the repeal movement in a less vigorous manner but not as a less manifest foundation than in the movement which culminated in '98. O'Connell declared at the inception of the repeal agitation—

"Were the Prime Minister of England to offer me the repeal of the Union upon the terms of re-enacting the entire penal code, I declare it from my heart and in the presence of my God that I would most cheerfully embrace his offer."

From 1810 until 1828 we have the repeal movement aiding the Catholic association and other legal bodies striving by petitions to Parliament and by public meetings to obtain Catholic emancipation. Constitutional action was of no avail. The Government of the time treated these organisations as seditious, while those who believed in the efficiency of moral force were as powerless politically as they were distrusted by

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the Government, and it was only when the people were beginning to menace the existence of the law by preparing for recourse to physical rebellion, that the Duke of Wellington, in the memorable words of history, brought in the Catholic Emancipation Bill "to avert civil war."

Lord John Russell in his "Life of Fox," Vol. 1, p. 242, quotes again the oft-repeated sentence—

"That justice which could not be procured, was sought, and procured too, in another manner. In what manner? By the point of the bayonet."

And then Lord John makes this comment—

"Such has been always the course of our conduct towards Ireland. In 1780, 1793, and in 1829, that which had been denied to reason, was granted to force. Ireland triumphed, not because the justice of her claims was apparent, but because the threat of insurrection overcame prejudice, made fear superior to bigotry, and concession triumph over persecution."

How much of a success, if any, the great repeal movement of O'Connell would have achieved had not the famine of 1846-7 and 1848 crossed its path and destroyed its vitality, is a mere historic speculation. Judging, however, by previous and subsequent precedents, the extreme legal character of O'Connell's movement would exert no persuasive force upon the Parliament of the time in the matter of repealing or modifying the Act of Union, unless in the words of Jeremy Bentham, the ruling powers were made uneasy by the possibility of armed insurrection following upon the refusal of Parliament to make concessions to moral force agitation.

The failure of O'Connell's movement either to make material headway towards repeal or to compel the Government of Lord John Russell to take the necessary steps, and in time to avert the horrible holocausts of starving people, who were to be offered up as victims to an artificial famine, gave rise to what was revolutionary in the Young Ireland Movement of 1848. It was once more despair at the inefficiency of peaceful or moral force means winning any substantial justice from Parliament, urging on earnest and honourable but enthusiastic men to armed insurrection. The Governments of the day had failed to do its duty to the people.

Smith O'Brien abandoned constitutional action, and appealed to revolution by force. It is true that the affair which followed does not merit the name of insurrection or rebellion; but the effort, small as it was, coupled with the writings and influence of the remarkable men who had acknowledged Smith O'Brien's leadership, handed on the revolutionary impulse to the men who organised the subsequent Fenian conspiracy.

Before Smith O'Brien was driven to favour armed insurrection, he had exhausted every legal remedy to awaken the Government to a sense of its duty to the people of Ireland. He had urged upon the Ministry of Lord John Russell the adoption of early and adequate measures to cope with the impending famine. He opposed, and was one of the tellers in the division upon the murderous "quarter acre clause" which was devised by the perverted ingenuity of Irish landlords as an instrument for the degradation and extermination of the small tenantry of this country. In addition to his labours in Parliament, Smith O'Brien endeavoured to persuade the landlord class to which he belonged to act justly and fairly towards the farming classes. In a series of letters published in November 1846, and addressed to the landlords of Ireland, he endeavoured to reason them into a performance of their duty. He claimed for the tenant a right to compensation for disturbance. He advocated a peasant proprietary, extensive schemes of arterial drainage, railway extension, and similar other undertakings, which, if adopted by the Ministry of the period, would have greatly modified the horrors of the impending famine, while laying a foundation for a permanently tranquilised Ireland. Little or no attention was paid to his recommendations, either by the Government or the Irish landlords; and seeing how futile were his efforts to reason or persuade the rulers of the country to do what was just, rational and humane, he flung himself into the revolutionary movement which the failure of O'Connell's moral force agitation had rendered inevitable, and embraced, as many more Irishmen did before and after him, a policy of despair.

And now, my Lord, I come to the inception of the Fenian movement, which may be said to have not only succeeded to, but to have sprung from, the movement which

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was led by Smith O'Brien in 1848, but with, of course, the inevitable failure of an intervening constitutional agitation to accomplish anything for the people of Ireland, but defended when other powers than England were the governments conspired against, and when the conspirators were of continental and not of Irish origin. When I joined the Fenian movement I was 17 years old. Every man among the ranks of labouring Irishmen worth his salt was a member of that organisation, illegal though it may have been. The political circumstances of the time justified, in my opinion, the existence of such a movement; and, although I no longer advocate the method of secret conspiracy, believing as I do that a better and a more potent weapon of reform is found in legal combination, and in public opinion, than in occult agencies, still, under similar conditions of anti-Irish feeling here in Great Britain, and of political helplessness in Ireland 25 years ago, I would unhesitatingly be a Fenian again.

No attempt has been made by the Plaintiffs in the case to prove that the Fenian movement favoured or practised in any way the detestable crime of assassination. I think it was more than once even suggested by counsel for the "Times" by way of question to their own witnesses that outrage or assassination were foreign to the aims of the founders of Fenianism. Such, my Lords, was the case. It may have been from the point of view of practical minds along with being legally wrong a censurably hopeless effort to dream of winning any measure of Irish liberty by an appeal to armed force in a contest with such a mighty power as Great Britain; but the men who dreamt of such a liberation testified their sincerity by the sacrifices which their enterprise entailed, and no truthful witness can accuse them of mean or mercenary motives, or of sympathy with or connivance at outrage or assassination.

I have said, my Lords, that the political circumstances of the time when Fenianism was founded justified Irishmen like myself, in my opinion, in adopting even a course that was clearly contrary to law. I know right well that your Lordships cannot possibly endorse that view, just as I know that I am under no necessity of stating it here; but whether this view of mine may or may not influence your Lordships' judgment with reference to my case, I feel bound, in obedience to the dictates of truth, to supplement the language of defence with the expression of the rooted convictions of my mind in everything relating to my connexion in Irish politics.

At the immediate time when the Fenian conspiracy originated there was no open or constitutional movement in existence to inspire the tenant-farmers or masses of the people with any hope of gaining redress of grievance through legal agitation. Some 10 years previous to the birth of Fenianism the tenant-right movement already referred to, of which Mr. (now Sir) Charles Gavan Duffy, Mr. George Henry Moore, Frederick Lucas, and the late Sir John Grey were the chief exponents, existed, and had for object the obtainment of tenant right for Irish farmers—from, I think, the year 1850 to 1856, or, perhaps, a few years later. Despite the undoubted honesty of purpose of these eminent Irish reformers, the agitation with which they were connected soon degenerated—at least, on the part of its parliamentary representatives—into what was known as the "Pope's Brass Band."

They concerned themselves, with a few honourable exceptions, more with the condition of things in the Papal States than with the affairs of Ireland, and some of the most prominent of the band ultimately took office under the Government. The whole character of the Irish Parliamentary representation of this time was, strange to say, assailed so strongly (or rather not strange, but I mention it here as a coincidence) by the "Times" that a Special Committee of the House of Commons was appointed by Parliament (I think in 1852) to inquire into the charges and allegations that had been levelled at Irish Members by the very same paper which is bringing these charges and allegations here to-day; and although the Committee appointed by Parliament finally reported that the charges made by this same paper, the "Times," which is again the accuser of the Irish representation in Westminster, were unfounded and calumnious, there was considerable ground in the conduct of some of the Irish Members of that period to warrant an accusation of Parliamentary jobbing and political self-seeking.

Meantime, my Lords, the tenantry of Ireland had nothing of the protection—be the same more or less—which the agrarian legislation of the last 20 years has given them

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against what Lord Clarendon called, in 1866, I think, felonious landlordism. An established ascendancy church also existed in Ireland, the franchise was confined within narrow bounds, and the public bodies of the country, its municipalities and Poor Law Boards, were in the hands of the class which also had the Government of country as their instrument and accomplice in every trick of a selfish ascendancy rule. This was how matters stood in Ireland in the years immediately preceding the birth of Fenianism, and to show how consistent the "Times" has been in its opposition to every constitutional movement which intervened between revolutionary organisations. I will quote the following from a "Times" leader on the tenant-right agitation which preceded the formation of the Fenian conspiracy. It is put shortly, my Lords. I quote from the "Times," of the 28th November, 1853, page 8, column 5, par. 3, a leader on demands for tenant right:—

"Messrs. Lucas and Co. say that, among other things, tenant-right is absolutely necessary for the welfare of the Irish, and yet they denounce as treason any attempt to obtain better terms for the tenant by moderate legislation; they say, 'We will not have a part; we will have the whole Bill and nothing else.' They know very well that they never will get the whole Bill, but as the Irish would be quite contented with a moderate instalment of tenant-right, if, indeed, they want any at all, the Leaguers are desperately afraid lest any reasonable demand should be made and granted, and that thus they should be deprived of their daily bread, which is agitation."

Of course, your Lordships will clearly understand that what I am saying on this head, in answer to the charge of Fenianism, refers to what my views were, and what was the condition of things political in Ireland 24 years ago, when I joined the Fenian organisation. I have just remarked that the circumstances of the time warranted some movement of the kind. I will say more, the continued unconstitutional character of the government of Ireland by the methods of Dublin Castle, from the time of the Act of Union, was, in itself, a justification for a moral, and an extenuation of an illegal, revolt against such rule. I think it is an axiom of constitutional law, as applicable to Ireland as to any other civilized nation that governments derive their right of existence from the sanction of the people governed; and that when a Government ceases to retain the moral support of such people, and becomes but an executive faction wielding administrative power for anti-national ends, a people so unconstitutionally ruled are entitled to the sympathy of all free men when they strive to abolish such governments. The failure of Castle government to inspire the Irish people with confidence in the administration of the law; to improve their social condition; to develop the natural resources of the country; to curb the injustices of the landlords, and to give to the farming classes—the vast majority of the people of Ireland—that protection for their interests in the land and security against the legal robbery of rack-renting so prevalent before the Land Act of 1870—all these causes justified me in seeking for Ireland a remedy even by way of revolution, which England of all civilised nations has approved most of when sought for by struggling nationalities elsewhere.

Moreover, at the time when Fenianism began, Ireland had an Established Church which was a badge of religious injustice to four-fifths of the people. It had then, and has yet, a law with reference to the chief executive of the country which is an insult to the religion of the masses of the people of Ireland. Then again, the people of Ireland could not assemble in a delegated convention as citizens could in Great Britain. The laws prohibiting conventions in Ireland was not repealed until 1879, and a Land League Convention held in Castlebar on the 16th of August of that year, was the first exercise of this constitutional right enjoyed in Ireland since the Act of Union was passed.

I need not go into further particulars as to the character of what is known as Castle government. Sir Charles Russell has ably illustrated the system both in its central organisation and in the reproduction of its unrepresentative and anti-constitutional character as it is seen working to-day in the grand jury administration of local government in Ireland. The injustice of the whole system of Irish government by Dublin Castle is now impeached by a great English political party which put down the Fenian insurrection, and imprisoned its leaders in 1866 and 1870, and which party is

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now adopting a more constitutional and more effective method of combatting revolutionary ideas in Ireland by proposing such further remedial legislation as will, in the language used by Mr. Disraeli in the Imperial Parliament on the 16th of February 1844, "Effect by a ministerial policy all those changes which a revolution would do by force."

The "Times" in 1875 has, in one of its few lucid moments, given utterance to a similar common sense sentiment when it said—

"Of all enterprises on which legislation and administration time can be wasted, the most useless, except in exceptional emergencies, is that of attacking secret societies; the only way to counterbalance them is to open to men, through the ordinary institutions of the country, the means of obtaining all the political advantages which they require."

My Lord, I subscribe to those sentiments written by the "Times" at the time when I was in prison for my connexion with the Fenian organisation. It may be contended, my Lord, by the "Times" that the existence of national sentiment in Ireland which has given birth to such movements as those of the Young Ireland Party and of Fenianism has been responsible for the prejudice which English statesmanship has manifested until quite recently against the claim of Ireland to national self-government. My reply is that such a sentiment is as rational in itself, and as easily satisfied as was the sentiment against the Established Church, in the abolition of which institution I think the "Times" acquiesced. When the Act of Union was passed, the Established Church was as sacred a part of that immoral enactment as Dublin Castle itself; and the day will come when the robust common sense of this country will sanction the disestablishment of the Castle as complacently as it has that of the State Church, and will charge to the existence of such institutions as landlordism, ascending churches, and the Castle, in defiance of the feelings and traditions of the Irish race, the responsibility for every movement, revolutionary or constitutional, which the people of Ireland have directed against these institutions.

My Lord, this stigma cast on Irish national sentiment, especially with reference to Fenianism, is peculiarly an English and a "Times" habit. That Ireland is a country of tradition is well known, that her people have the Celtic qualities of active imagination and vivid recollection is generally recognised by all who have given any the least study to our racial characteristics. These national traits may be sneered at in a commercial age as evidence of a want of civilisation, while our people may be ridiculed for being too prone to cherish memories of a bygone age. But if the traditions that are out of keeping with the profit-mongering ideas of the present, speak of an Ireland of liberty allied to learning and hospitality and of good will towards the Saxon neighbours of the period and all the world besides; if such recollections largely constitute the individuality of the Irish race; if they, along with our people's proverbial attachment to the soil of Ireland and the love which they have ever borne to the principle of national freedom; if these qualities give a key to the natural bent and national tendencies of our country, would it not be wise and prudent statesmanship and be the truest political wisdom to legislate for such a people on the lines of their individuality, un-English though it be, instead of legislating as heretofore, on lines either directly antagonistic to every Celtic principle or in a manner coldly indifferent towards Ireland's most cherished aspirations? What, my Lords, has been the nature of Ireland's treatment at the hands of the power which has forced the people ruled to fall back upon the movements that have arisen in Ireland, from Whiteboyism to the Land League? Sir Charles Russell has shown your Lordships the machinery of Irish administration, by which a minority of the population control the government of the country, central and local, by manning all the boards in the Castle, and by running the grand juries in the counties. He has pointed out the active interference of the Executive in putting the law in motion against citizens, while it might have also been shown how even the occupants of the judicial bench in Ireland, as members of the Castle Privy Council, can participate in such acts of the Central Executive. But all this is only exhibiting the secondary means by which un-Irish institutions are vainly sought to be upheld and English law unsuccessfully enforced in a country so unnaturally and illogically governed. The primary influence at work in

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the creation of discontent, in the popular mind, and of distrust in the law, must be sought for in the blind persistency with which the country has been ruled in direct violation of the ideas, customs, and prejudices of the people. It is where the whole solution of the Irish difficulty could and should be found that the key of the solution has never been sought for. We are not English, my Lords, and never will become so. The English tongue alone, of all English institutions, has adapted itself to our needs; but in this instance, as in the well-known tendency of this country to turn Cromwellian settlers into Tipperary men and convert transplanted English poets into trusted Irish leaders, we have found the language of our rulers the most efficient weapon with which to struggle against the systems and laws by which it was sought to subjugate and denationalise a nation. Against what my Lords have we been compelled to offer resistance from the days of the Whiteboys to those of the Land Leaguers? Have we not had to contend for every principle that is embraced in the ideas of religious and civil liberty? Has the rule of Ireland by England not been one series of dogged, cruel, and unrelenting opposition to the principles and customs that are nearest and dearest to the hearts of the Irish people—the priceless principle of free worship, of religious equality, of free speech, of popular instruction, of municipal government, of electoral rights, of national autonomy, of land reform? Has time not justified our stand for such of these rights as we have already won? Is there an English authority worth quoting that will not confess that the Irish people were in the right and their rulers in the wrong in the struggles over the penal laws, the imposition of tithes, municipal enfranchisement, the Established Church, and tenant right? No government, I assert, can justly claim the support or moral sanction of a people who are ruled in direct violation of the principles and customs which are most cherished by and most typical of the nation so governed. The principles to which the Irish people have clung most tenaciously are those which most clearly define their individuality—the principles of religious liberty, of national independence, of attachment to the land of the country; and is not the history of English rule in Ireland a heartbreaking record of systematic repression and oppression upon each and all of these three greatest of human rights and most cherished of civilized usages? May it not be safely predicted, my Lords, that in a few years hence England will accept the triumph of Land League principles as complacently as the movements against the penal laws, and the imposition of tithes and the Established Church have been vindicated on the pages of the statute book of the realm? And then, my Lords, the pity of it, that lives should be lost, bad passions evoked, turmoil and disorder created, imprisonment, and hangings inflicted, when the exercise of the most elementary principles of enlightened statesmanship would have averted these calamities from the life of an unfortunate country. Had the Land League plan of parliamentary land reform (which has been read by Sir Charles Russell in his opening speech) that was proposed in April 1880 been adopted by the then Government, what misfortune to Ireland, what trouble to England, what a scandal to the whole civilized world would not have been averted in the interval between then and now? How truthfully has blundering of this kind—blind and bungling statesmanship—been described and its evil results emphasised by two great Unionist authorities, who, like the “Times,” have had lucid movements of political vision when prejudice did not blind them to the patent facts of modern Anglo-Irish history. Lord Derby in the “Nineteenth Century,” in October 1881, wrote as follows:—

“In the history of English relations with Ireland it has always been the same. By an unfortunate fatality, every concession made to the weaker state has been under pressure. Take, as a sample, the creation of the almost wholly independent Irish Parliament in 1780–82. Was that a spontaneous gift? Notoriously it was the reverse. English resources were exhausted by the unsuccessful war with America; the Irish Volunteers mustered stronger than any force which could have been brought together at short notice to oppose them; the alternative was to yield to the Irish demands or to engage in a sanguinary civil war, exactly resembling that which had ended so disastrously on the other side of the Atlantic; and the decision taken, probably a wise one, was to let Ireland have her own way. Not very dissimilar was the history of Catholic Emancipation; except that at that date it was a humane and rational aversion to civil

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“ war, not an actual disability to carry it on, which determined the issue. Sir R. Peel and the Duke of Wellington did not rest their cause on the alleged justice of the Catholic claims; they could not well do so, having for many years opposed these claims as unfounded. But they could and did say that the mischief of yielding to them was less than the mischief of having to put down an Irish insurrection. The same argument that had prevailed in 1782 prevailed in 1828-29. A third example of the same mode of procedure is in the memory of everybody. The Fenian movement agitated Ireland from 1864 to 1867, producing among other results the Clerkenwell explosion. Mr. Gladstone’s statement as to the effect of this and similar attempts on the public mind of England, though too significant to be ignored, is too familiar to be repeated. I have too often heard that speech censured as unwise; to me it has always seemed a gain that the exact and naked truth should be spoken, though at the cost of some unpleasant criticism. A few desperate men, applauded by the whole body of the Irish people for their daring, showed England what Irish feeling really was; made plain to us the depth of a discontent whose existence we had scarcely suspected; and the rest followed, of course. Few persons will now regret the Disendowment of the Irish Church or the passing of the Land Act of 1870; but it is regrettable that for the third time in less than a century, agitation, accompanied with violence, should have been shown to be the most effective instrument for redressing whatever Irishmen may be pleased to consider their wrongs.”

The next quotation, my Lord, is of a totally different character, and is not quite so long. Mr. Goldwin Smith wrote a letter to the “Daily News” of 11th April 1874, which was as follows; or at least, this is part of what he wrote on the occasion:—

“ When we spurn Irish demands, when we even blame our Government for softening a denial, we forget that Irish history is a series of concessions first scornfully refused by England, then granted under constraint and when concession, by losing all its grace, had lost more than half its virtue. It is deeply fixed in my memory by an incident that occurred at the time, that so late as 1863 a proposal to disestablish the Irish Church, and to abolish what was merely feudal in the Irish Land Law, was regarded as revolutionary and rejected with horror by public men, who, before the close of the decade, were themselves going as far in the way of disestablishment and a good deal farther in that of land law reform. The leader of the Tory party still tries to inflame the passions of partisans by calling disestablishment sacrilege, and the reform of the land laws confiscation, though he no more dares to give effect to his professional conviction in either case than he dares to attempt the restoration of the penal laws. Between 1863 and 1868 did anything take place to which this complete change of opinion on the part of British statesmen can be ascribed? Every Irishman will answer, ‘The Fenian movement.’ The answer will not be entirely just, for party had its influence as well as Fenianism; but conviction, it is to be feared, had little or none.”

Now, my Lord if two such eminent men, two such marked opponents of Irish National sentiment, could write in this way and justify, so late as 1881, the arguments I have been putting before this Court, to give at least a moral justification to my connexion with Fenianism, I hope I have not trespassed too much upon the Court by repeating their views here. Such considerations, my Lords, as those I have respectfully put before the Court; such historic facts as those which I have adduced; such admissions by eminent English authorities as those I have quoted, explain, if they will not justify in your Lordships’ mind, my connexion with the Fenian movement. For that connexion I offer no apology to this or to any tribunal. If such movements arise in Ireland, or in any country, it is because government is either unjust or criminally negligent of the first duty of civilised rule, viz., the adequate protection of the interests of the people ruled, and the exercise of an active sympathy with the national sentiment of such people. Treated, practically, as strangers in our own land; despised and caricatured in a spirit of brutal prejudice by so-called English comic papers, while pursued and denounced by the “Times” and other English organs in every land under the sun into which our race have been driven, what wonder if

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Irishmen, who feel themselves equal before God and man to those who have thus tried to degrade them, should aspire to create that status of national independence for their country which commands respect for every citizen of a self-governed state? I plead guilty to having had this aspiration from the first time I learned to lisp the name of Dublin Castle, and to hate the system of rule which attempted to lower Ireland to the level of a despised vassalage. And am I to be told this aspiration is criminal? That such a labour for my country constitutes a crime for which I deserve the condemnation of this great English tribunal? Why, my Lords, I have spent two-thirds of my life in England. Whatever political education I have managed to pick up on the bye-ways of a rugged life of toil and suffering, has been gathered here. The first man after my father whom I ever heard denouncing landlordism, not only in Ireland but in England, was Ernest Jones, who had himself been once imprisoned as an agitator—the first lesson I ever learned in the doctrine of liberty was from English and not from Irish history. And am I to be told by the “Times” that the spirit of political justice which breathes through the English language; that the precepts of national independence which are preached to mankind by the Miltons and Shelleys and Byrons, and through every page of England literature; that the records of effort and of sacrifice which England’s history speaks of as the origin and maintenance of England’s freedom, am I to be told that all this is meant for England, for Italy, for all the world, except for the inhabitants of an island at its very doors.

My Lords, with reference to this charge of Fenianism, this political charge which I am meeting here, I claim that the “Times” itself on one occasion has acknowledged in very significant language, which I am about to read, that given certain conditions of government in Ireland, which I claim existed, Fenianism was not to be condemned. The very year of my condemnation, of my sentence, this article appeared in the columns of the “Times.” I quote it from that paper of the 15th of January 1870. It reads as follows:—

“ The appearance of Mr. Bright in his new character of a minister, *en province*, is an interesting study. How often have we had occasion in byegone years, when he was assailing almost every institution of the country, to lament the narrowness of sympathy that detracted so much from the value, if it lent force to the energy, of his attack. He was apparently incapable of believing in the existence of a point of view different from his own. His experience is now enlarged, and he knows at least that there is more than one aspect of a question, but it is impossible that his character can be wholly changed. Nor is it. We find ourselves obliged, somewhat to our astonishment, to demur, on the side of disorder, if we may use the expression, to the unreserved acceptance of some, among the opinions he has lately expressed. We have as little sympathy with Fenians, for example, as he; we would treat the Fenians, who make the neutral ground of America the base for invasions of Ireland, and the disturbance of its peace, with the just severity he approves; yet we cannot join in his absolute condemnation even of the Fenians. If the statement of facts which Fenians profess to believe were true; if England treated Ireland as a land from which to suck the greatest possible advantage, and made Irishmen its bond slaves, denying them all privilege of self-government and liberty, Fenianism would be the duty of every Irish patriot, and the fact that anyone had sought shelter in a foreign land would not diminish his obligation to aid his brethren still subjected to English tyranny. If this were not so, how could we justify the labours of patriots in exile, whether English of the 17th century, in Holland and Switzerland, or French, Italians, or Spaniards of later generations upon our own shores? ”

This, my Lord, is the paper which brings a charge of Fenianism and scores of other charges against me here. Now I contend, my Lords, that the statement of facts advanced by me both in my evidence and in my speech so far, are true, and constitute the justification for that action which the “Times” admits should follow from the premises laid down. Anyhow, I believed them to be true, and I have but acted up to the standard of the paper which now accuses me of a crime for having done that which has been defended and lauded by this same journal and by English popular opinion when done by men who conspired against continental enemies of national liberty. In corroboration of my statement of facts, relating to Ireland’s gross mis-government, not

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only at the time of the Fenian movement of 1870, but even at the period of the Land League, I will advance the following impartial testimony given by Mr. Boyd Kinnear, an English lawyer and Scotch landlord, who wrote and published these facts about Ireland in 1882, every one of which I adopt:—

“ The Irish people have never been allowed to make their own laws. Even when there was an Irish Parliament, none but Protestants, a very small minority of the people, could be elected. Since the union, the laws have been made by an English majority in the House of Commons, always over-ruling the advice and wishes of the majority of the Irish members.”

“ The laws have thus been uniformly in the interest of the small minority of landlords, and cruelly oppressive on the majority of the people, while they have been enforced upon the Irish by the whole power of the British nation.

“ When, after many years of struggle, the Irish have succeeded in making Parliament understand, and in some degree remedy, one grievance, Englishmen have wondered why they were not grateful and contented. The reason is that they have been subjected to oppression on so many points that they cannot be content with redress of one only, and must continue to force their other wrongs on attention.

“ Unhappily, it is also the fact that constitutional and peaceful agitation by the Irish to obtain redress of their grievances has never been attended to by the British Parliament. Catholic Emancipation was solemnly promised at the Union in 1800, but it was not conceded till the troops threatened to mutiny in 1829. The tithe system, by which the support of the Church of the rich Protestants was wrung from the poor Catholics, was only reformed in 1838, after the resistance had reached the stage of general revolt. The Land question, which had been urgently pressed on the attention of Parliament by innumerable bills and motions by the Irish members for half a century, was not seriously looked at till it gave rise to Fenianism, and to riots and outrages in England.

“ From 1800 to 1870 there were some 40 Coercion Bills *passed* for Ireland. Between 1819 and 1830 five Royal Commissions and Select Committees took evidence (and the evidence would break your hearts), and between 1829 and 1869 there were 27 Bills and resolutions offered by Irish members on the Land Question, and every one was *rejected*.

“ Yet all these Bills were of the most moderate character. At first they only aimed at reclamation of waste lands. The next proposals (commencing in 1835) were for giving compensation to tenants for their own improvements, which men the high-Tory members, such as Mr. Chaplin, are now offering to English tenants. The remaining Bills were mainly for extending to Ireland generally the Ulster custom, which permitted the tenant to sell his interest on leaving. No matter what they proposed, the Irish members could not obtain a hearing in the English Parliament. Yet the Land Question involved the life and death of 6,000,000 of Irish human beings absolutely dependent on the land, for it involved their sole means of existence, and their liability to be driven out to perish of hunger and cold at the pleasure of a few landlords, backed by English bayonets. Of these 6,000,000 about one-half have perished or been driven into exile by evictions since 1845. Think of it.

“ Even in 1871, when Mr. Gladstone at length took up the question, Parliament was deaf to the advice and warning of the Irish Liberal members, the consequence was that the Act of 1871, well intended as it was, made the condition of Irish tenants on many estates worse and more hopeless than it was before.”

These are facts written over the name of Mr. Boyd in the year of 1882 in the midst of the Land League movement, and I maintain that the existence of these facts fulfils the conditions laid down by the “Times” in the leading article which I have read, and that, according to that leading article, I was, when I was in the Fenian movement, justified in endeavouring to win reforms in that way for my country.

Now, my Lords, there were two charges included in the mass of allegations contained in the case attempted to be made by the “Times” to which I will briefly refer, before leaving these, my comments, upon the first count in the special indictment preferred

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against me. The first is, that I spoke in Tralee in 1885, and somewhere else on some other date, in laudation of the three men who were executed in Manchester on the 23rd of November 1867. I have admitted in my evidence that I have so spoken. I have spoken in praise of Allen, Larkin, and O'Brien, not because a brave policeman was killed in the discharge of his duty, but because these men risked life and liberty, and ultimately lost both while performing what they believed to be a patriotic duty, the rescue of their political leaders. I also believe that these men were executed, not because it was proved or believed that Sergeant Brett was deliberately murdered by the rescuing party, but because the whole transaction was of an Irish political character.

In the "Times" of the 2nd of August 1876 I find the following corroboration of the views I have just given, and of the evidence which I tendered to your Lordships on the same matter. In a debate in Parliament on a motion for the release of Fenian prisoners—myself among the number—on the 1st of August 1876, Mr. John Bright spoke as follows of this Manchester tragedy. I am quoting from the "Times" of August 2nd, 1876:—

"He regretted that he had not on a former occasion said what he long thought with regard to what was called the 'Manchester Outrage'; there was one man shot dead; one fatal shot was fired; and three persons were hanged for that murder. He lived in the neighbourhood, and had interviews with the relatives of one of the three men, and though they were not willing to lay blame upon either of the other two, they felt very confident that the prisoner in whose interest they spoke to him, was not the one that fired the fatal shot. It had always appeared to him that the course taken by the Home Office on that occasion was a very unwise one. He was against capital punishment as most of the hon. Members knew, but in a case of this kind to have hanged three men for one fatal shot was a mistake, a mistake according to the ordinary practice of our law, and a great mistake when looked at in its political aspect. He knew that it had been denied that this was a strictly political case, or that the severity was resorted to because it was a political case. But he had always held the opinion that it was solely because it was a political case that these three men were hanged for the murder of one man. If in a poaching affray a keeper was killed three men would not be hanged for it. The other day a trade outrage was committed in the neighbourhood of Bolton, a man was killed, and three men were convicted. But they were convicted of manslaughter, and not of murder, and unless the 'Manchester Outrage' was not viewed as a political offence, he could not see that it was different from the case he was describing."

Now, my Lords, I maintain that these are very remarkable words coming from so great and eminent a statesman as Mr. Bright, and as I find them reported in the "Times" of that date. They show that a man so undoubtedly patriotic as John Bright, looked upon this unfortunate tragedy in Manchester from a light different to that in which it is put by the "Times." He considered that these men were executed, not because one brave man was killed in the discharge of his duty, but because the whole affair was connected with Irish politics, and that these men were found guilty of rescuing their leaders, and were concerned in a purely Irish political organisation. And in the same debate on the same date in the House of Commons, another Member of Parliament, not as eminent as Mr. Bright, and now classed amongst my political enemies, spoke these few words which conform to the view put forward by Mr. Bright. I refer to Mr. Mitchell Henry, the then Member of Parliament for Galway. The hon. member said:—

"It never entered into the minds of any of these men concerned in the Manchester outrage to murder the policeman Brett in putting a pistol to the lock of the door, and endeavouring to force it open. They did not know an individual stood at the back of it."

That, my Lords, is my own firm conscientious belief, from what I learned at the time, from what I learned subsequently in America, and from what the whole Irish race believe. They did not honour these three men or their memories because a brave policeman was killed in that encounter, they revere their memories because

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they think they were offered up as political sacrifices to the anti-Irish feeling in England, and I trust the day will never come when sacrifices such as theirs will be considered by the English people as a crime. The parallel drawn by Mr. Bright in that speech between trades union outrages and that committed on the occasion when Sergeant Brett was killed, will probably induce your Lordships to indulge me ten minutes while I quote from a report of the Special Commission which investigated the trades union outrages that took place in and around Manchester four or five years before the Manchester Fenian rescue, and which Commission was actually taking evidence during the period of the trial of Allan, Larkin, and O'Brien. Murders, and the most deliberately planned diabolical outrages, were proved against certain trade organisations in Sheffield and in Manchester, and although life was then in several instances threatened, and bottles charged were flung into the bed-rooms of peaceful sleeping citizens, there was no instance that I remember where capital punishment was inflicted upon those charged with these crimes.

Upon second consideration I do not think it would be fair for me to read to your Lordships from this report, as I do not wish to trespass upon the indulgence of the Court; but I can say that the perusal of this Parliamentary Report will justify what I have said. Murders and outrages of the most heinous character brought home to organizations, paid for by organizations, men rewarded for going to prison for being connected with such outrages; and yet, my Lords, I do not know that there was one execution upon record with reference to these diabolical crimes. But I would make one remark with reference to these crimes and outrages during this period. The English nation was not put upon its trial, and its representative men hounded down by the "Times" because bodies of Englishmen paid for the murder and the maiming of other Englishmen, whose only crime, to borrow the language of the Attorney-General, was the "doing of what they had a legal right to do." No, on the contrary, the Legislature wisely recognised that crimes are best prevented by removing the incentives to crime, and the result of this enlightened law-making is seen in the public attention and public praise now bestowed upon the trades unions of Great Britain.

Another charge implied, rather than made against me is, that I attended Amnesty meetings in Dublin in 1878, which were, in reality, Fenian meetings. The evidence given in this matter was that of the informer Delaney, who also swore that he saw me in conversation with David Curley, afterwards executed for the Phoenix Park assassinations, and that I had supported the Fenians who attacked the Rotunda meeting on the 30th of April, 1880. I have already, in my evidence, given an emphatic denial to these statements, made by a confessed thief and murderer, who has recently asked the Government for the reward which was promised him for the evidence he has given here and elsewhere in their behalf. I reiterate these denials, and brand the informer's evidence as deliberate perjury, made, in my belief, at the request of whoever had the task of inducing him to join the noble army of confessed thieves, convicted murderers, and detected forgers that has been marshalled here against us by Messrs. Soames and Houston in the interests of "law and order."

I again go to the columns of the "Times" for a public proof that one of its witnesses has lied in his evidence in this Court against me, when he asserted that the Amnesty Association was a Fenian movement under Fenian control. In the "Times" of the 15th of October 1873, p. 7. col. 1, the following telegraphic despatch appears:

"The Amnesty Association to-night adopted a resolution declaring that it
 "was originated for the sole purpose of effecting the release of the Irish political
 "prisoners, that it is purely a non-political body, and that they deprecate in the
 "strongest manner the introduction of any other subject than amnesty at any
 "meeting purporting to be held to advocate the release of the prisoners.
 "Furthermore they declare that they have no connexion with persons who are
 "endeavouring to obtain a platform for the ventilation of their views under the
 "pretence of advocating the cause of amnesty, as has been tried lately at Cork
 "and Maryborough."

The Amnesty Association, my Lords, embraced large numbers of men who would never have any connexion with secret societies, while the association itself presented a petition to the Queen of 250,000 signatures in favour of amnesty, an act which, needless to say, would never be done by a Fenian organisation.

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The other statement of the informer Delaney's, that I, in common with others, helped a party of Fenians who attended a Land League meeting in Dublin, has been contradicted by several witnesses who were present at this meeting, Messrs. Parnell and Biggar and myself being among the number of such witnesses.

The following report of the proceedings on this occasion appeared in the "Flag of Ireland" of the 8th of May 1880, a paper which was owned and edited by Richard Pigott, and had the repute of being the organ of the Fenian body at that time:—

" THE EVENING MEETING.

" EXCITING PROCEEDINGS.

" A NATIONALIST RESOLUTION.

" MICHAEL DAVITT THROWN OFF THE PLATFORM.

" Last night in the Rotunda one of the best stand-up fights that has ever occurred in the metropolis was witnessed. A public meeting of the Irish Nation Land League was convened for last evening, and the hall was crowded to excess. Mr. Davitt moved Mr. Parnell to the chair, and the chairman in opening the proceedings said the last time he had appeared on that platform it was to express their indignation at the arrest of Davitt, Daly, and Killen for alleged sedition by Lord Beaconsfield. This speech was received with loud cheering, and with every prospect of having a smooth time of it. Mr. M'Coan was introduced to the meeting. Events then took a very unexpected turn. A well-known Nationalist in Dublin, named O'Hanlan, of medium size, athletic build, and calm features, started up side by side with the honourable member and commenced to speak. He was interrupted by Mr. John Ferguson, Mr. Egan, Mr. Davitt, and others who were seated around the table. He then produced a piece of paper, and said that he as an Irish Nationalist was determined to submit a resolution to the meeting. Mr. Parnell then interfered, and an altercation, during which Mr. O'Hanlan maintained a determined but not very offensive attitude took place. Mr. O'Hanlan persisted in speaking, and a howl of discontent arose in the body of the hall that would have been sufficient to terrify anyone but an Irish Nationalist. He would have things his own way, however, and kept his position, showing a firm determination to maintain it. At this juncture, a gentleman, otherwise of a very meek temperament, caught Mr. O'Hanlan by the collar of the coat, and using all his strength attempted, and almost with success, to pitch him over the platform. Mr. O'Hanlan calmly dealt his assailant such a blow upon the cheek that he left his mark there, and with the utmost coolness proceeded to read his resolution in the midst of the greatest disorder. The resolution was to the effect, that whilst the Nationalists of Dublin were willing to make any sacrifice to the demands of the cultivators of the soil, they protested against the deceitful action of Mr. Parnell and others, who were trying to divert the people from the proper path to independence. It also condemned the action of the Land League as being injurious to nationality."

And this, my Lord, is the meeting at which the "Times" witness, Delaney, swore that I particularly supported O'Hanlan's party, and came there and acted in the manner described in that paper of that period. The resolutions which O'Hanlan read upon the occasion have been referred to more than once during the evidence. I think Sir Charles Russell read them in his speech, and it is not necessary for me to again bring them before your Lordships' notice; but I have gone to this trouble of refuting Delaney's evidence, not in the belief that his evidence made any very deep impression on your Lordships' minds, but to show that there is nothing which this witness could do in the way of perjury which he was not prepared to do in order to carry out the instructions given to him by those who brought him here.

The next and last statement made by this witness with reference to me was, that a meeting of Dublin Fenians followed the Rotunda row, at which peace between them and the Land League was established; and that I, in company with Patrick Egan and

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Thomas Brennan was present at this meeting. I have sworn on oath I never attended any such meeting, and I again repeat that I had no knowledge of any such meeting having been held before Delaney's appearance in this Court; and I say that, so far as I am concerned, his statement was a wilful and deliberate perjury.

Before I pass finally from this charge of Fenianism made against me by the "Times," I must refer briefly to the one matter in the original trial in 1870, upon which the Attorney-General displayed all his elocutionary powers when cross-examining me thereon. That is the letter found upon the man Forrester, which was in my handwriting, and which undoubtedly had a strong influencing effect on the mind of the Lord Chief Justice when passing sentence upon me.

This letter was written at a time, 1869, when I was about 21 years old. It was found upon a boy of 17 or 18. For whatever guilt consisted in being the author of that letter I had undergone a legal punishment that should expiate even the crime which it purported to sanction had such a crime not been, as I have sworn it was, actually prevented by its very agency. I have given your Lordships, under the solemnity of an oath, the history of this letter; and I have done that which I never did before in a somewhat singularly unfortunate existence: I have made an appeal to a man in a personal matter. I asked from that witness-box the man who was alone responsible for the plot which that letter was intended to and did frustrate—a boyish, foolish, and wicked plot—the man who would have stood in my place in the Old Bailey dock 19 years ago had I chosen to prefer freedom, at the price of faith, to personal friendship, unfaithful, to penal servitude and honour untarnished—I have asked that man from the safe asylum of America to release me from the moral obligation of silence in his regard, and he has not had the courage to confess that 19 years ago I saved him from staining his hands in the innocent blood of a guiltless comrade.

I shall not appeal again.

I will, however, read to your Lordships an extract from the "Liverpool Courier" of January 7th, 1870, a report of the proceedings, very brief indeed, which took place before Mr. Stipendiary Mansfield, when Forrester, upon whom this letter was found, was nevertheless admitted to bail, and all further action dropped against him. Had I had this extract in my possession when giving my evidence, I could have tendered it, if for no other purpose than to show how the name and the acts of Richard Pigott are traceable through all the charges and allegations which the "Times" has made in this court:—

"Our readers will recollect that two or three weeks ago a person named Arthur Forrester was apprehended at an eating house in Liverpool, on suspicion of being connected with the Fenian Brotherhood, several revolvers being found in his possession. Before the magistrates he was charged with being a person of bad repute, and was ordered to find bail for his good behaviour for the ensuing 12 months, himself in 200*l.*, and two sureties in 100*l.* each. Yesterday morning Dr. Cummins, instructed by Mr. Hughes, solicitor, made an application to Mr. Mansfield, at the Police Court, Dale Street, to accept the sureties he had to offer.

"Dr. Cummins said he was instructed to offer bail for the young man Forrester, who was committed a few weeks ago. He had not received any indemnity from anyone, but Mr. Pigott of Dublin had promised that in case of loss he would see him righted.

"Mr. Davies.—I should like to ask who Mr. Pigott is?

"Dr. Cummins.—He is the proprietor of a newspaper in Dublin.

"Mr. Mansfield said all that was necessary was that two persons known to be worth a certain amount of money should enter into a guarantee, and in the event of anything occurring, they would forfeit the money to the Crown. It was utterly immaterial where they found the money.

"Mr. Ellis.—Do you accept these two?

"Mr. Mansfield.—Yes certainly."—["Liverpool Courier," January 7th, 1870.]

It will be noticed, my Lords, that in these proceedings there was not even an allusion made to the letter that had been found upon Forrester's person, though it had, of course, attracted the attention of the magistrate when the accused was previously bound over to keep the peace. Had the police of Liverpool—who had then, and have

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now, some of the most experienced detectives of England among them, even a suspicion that the letter found on Forrester covered any real design against human life, it is inconceivable they would have allowed the possessor of the document out of the custody of the law without effort to prevent or protest against his release.

Now, my Lord, I have done with the first special charge made against me by the "Times," and I have also, in my concluding observations, dealt with what had been the one unhappy incident in my stormy political life, not alone in "Parnellism and Crime," but in the columns of the "Times," years before that this unhappy incident was trotted out and hurled against me, and the people of these countries made to believe that I had deliberately, when in the Fenian organisation, written a letter authorising or encouraging the assassination of an individual. I wish to say here, my Lords, as I said upon oath, that there is nothing more foreign to my nature than even the idea of assassination; it is as repugnant to me as it is to the vast majority, I will say the whole of the Irish race throughout the world; and I again repeat here what I said in that box under the solemnity of an oath, that that letter, boyish and foolish as it was in its terms, was in reality written, as I explained before, to prevent a boy, 17 years of age, from carrying out a wicked and foolish plot against an accomplice. No harm was done to any human being as a result of that letter; the hair of no man's head was ever injured; no proof can be adduced by the "Times" that anyone came to harm in consequence of that letter, and yet I have been held up as an accomplice of assassins—as a sympathiser with assassination—from this unfortunate letter having been written as I have sworn, and, as I will say again, to prevent the very crime which is imputed to me.

Before I pass, my Lords, to comment upon the second charge made against me, namely, that I assisted in the formation of the Land League with money which had been contributed for the purposes of outrage and crime—that is the second charge in the special indictment—before dealing with that I feel it absolutely necessary, for the purpose of fully informing your Lordships on this point, to refer at some length to the growth of anti-English feeling among the Irish in America, and to the origin of the revolutionary bodies to which that feeling gave rise.

I deem this all the more necessary because I am further charged by the "Times" with having been in close association with what is called the "party of violence" in America, and with bringing about an alliance between such party and the Parnellite party in Ireland.

Well, my Lords, that such organisations as the Clan-na-gael do exist, and that men with sentiments of extreme hostility to England are found in America, is quite true. But to charge the responsibility for this upon Mr. Parnell is another instance of the famous kind of reasoning which attributed Goodwin Sands to the agency of Tenterden Steeple. To enable your Lordships to comprehend this part of what has been called "the American story," it will be necessary to glance back at the rise and development of Irish feeling in the United States, and mark how this feeling became at times a hostile element against England. Sir Charles Russell has told your Lordships how landlord clearances, and other forms of landlord injustice in the North of Ireland, in the last century caused an immense number of Ulster Presbyterian and other farmers to emigrate to the then British Colonies of America. He has also pointed out, what is matter of historic fact, that these expatriated Ulstermen were among the first to join in the war of American independence; and in this manner to pay England back for the crimes of Irish landlordism. The flow of emigration continued at times a natural and an economic impulse of people, but almost generally as the result of a land system which was the foe of agricultural prosperity, and the arch-enemy of the peace and security of Irish peasant homes. In recent, as in the earlier periods of this expatriation, the exiled Irish took with them the bitterest memories of the land system which drove them from Ireland, and they harboured for England the revengeful feeling which was born of landlord oppression.

The first organised Irish body in America was the Friendly Sons of St. Patrick, a society which was founded in the city of Philadelphia in 1771. It was established as a social institution, and was non-sectarian in character. Its members comprised the leading citizens and merchants of Philadelphia, and when the war of independence began it rendered powerful aid to Washington, both in men and money, earning from that illustrious man, on the termination of the struggle, a public acknowledgment of his gratitude. At least a dozen of his best generals had been Friendly Sons of

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St. Patrick, and among the signatures of the declaration of American independence are the names of nine Irishmen nearly all of whom belonged to this society. It was declared to Edmund Burke by General Robertson, who had fought against Washington, that half of the rebel continental army were from Ireland.

I find that the Right Hon. Luke Gardiner, speaking in the Irish House of Commons on the 2nd of April 1784, observed as follows on the subject:—

“ England, from unhappy experience, is convinced of the pernicious effects
“ of her impolicy. The emigration of the Irish manufacturers in the reign of
“ King William III. is not the only instance that has taught that nation the
“ ruinous effects of restrictive laws. Our own remembrance has furnished a sad
“ instance of the truth of this assertion—furnished it in the American war.
“ America was lost by Irish emigrants. These emigrations are fresh in the
“ recollection of every gentleman in this House; and when the unhappy
“ differences took place [between England and America], I am assured from the
“ best authority that the major part of the American army was composed of
“ Irish, and that the Irish language was as commonly spoken in the American
“ ranks as English. I am also informed it was their valour determined the
“ conquest: so that England not only lost a principal protection of her woollen
“ trade, but also had America detached from her by force of Irish emigrants.”—
(Irish Debates, Vol. III., p. 130.)

My Lords, it was not alone that policy such as this aided the exterminating work of Irish landlordism in driving the Celtic race out of Ireland. Race and religious hatred pursued them across the Atlantic, and naturally evoked a responsive hatred in the breasts of those whose memories of their treatment and sufferings in Ireland were sharpened by the insulting and bigotted feeling prevalent and expressed in England regarding the Irish in America and the part they had played in the War of Independence. From 1840 down to the period of the great civil war, the Catholic Irish in the United States had to contend against a transplanted English anti-Catholic feeling, which became known as “ Know-nothingism.” It was the American edition of the “ No Popery ” sentiment which was until comparatively recent days so rampant in this country. After the horrors of the ’47 famine in Ireland, and the advantage which landlords took of that awful calamity to evict the people so as to consolidate farms for the raising of cattle, the anti-English sentiment assumed its fiercest degree among the Irish in America. And no wonder. The tales of horror from Ireland—of tens of thousands of people dying of starvation within five hours sail of English shores—within 60 miles of the wealthiest country in the world by which the people in Ireland were ruled; ship loads of dying and fever-stricken emigrants arriving in the Atlantic ports, adding sights of suffering to tales of starvation, while it was known that ship loads of grain and other food, products of Irish peasant labour, were at this very time leaving the ports of Ireland to be converted into rent for Irish landlords in English markets.

The fever horrors which marked the shipment of the “ emigrants ” during and after the famine of 1847–8, are too sickening to dwell upon at any length, but the vivid recollection of them that has remained in the Irish-American mind has had much to do with keeping alive also the remembrance of the part which Irish landlordism played in that awful drama of the great famine, and the responsibility of English statesmanship in the holocausts which followed the criminal apathy of the Government of the day. 89,738 persons embarked from Ireland to Canada in 1847. The census commissioners for 1851, in page 305 of their report, quote the evidence of Dr. Stratten about this shipment of human beings as follows:

“ Up to November one emigrant in every seven had died, and during
“ November and December there have been many deaths in the different emigrant
“ hospitals; so that it is understating the mortality to say that one person in
“ every five was dead by the end of the year.”

Waterton, the distinguished English naturalist, in the course of his *Wanderings*, thus describes a familiar scene on board the American steamboat. There were above 500 Irish emigrants on their way between Quebec and Montreal:

“ They were going, they hardly knew whither, far away from dear Ireland.
“ It made one’s heart ache to see them all huddled together, without any expect-
“ tation of ever revisiting their native soil. We feared that the sorrow of leaving
“ home for ever, the miserable accommodation on board the ship which had

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“brought them away, and the tossing of the angry ocean, in a long and dreary voyage, would have rendered them callous to good behaviour. But it was quite otherwise. They conducted themselves with great propriety. Every American on board seemed to feel for them. And then, they were so full of wretchedness. ‘Need and oppression stared within their eyes; upon their backs hung ragged misery. The world was not their friend.’”

Upon this, in the course of an article in the “Edinburgh Review,” Sydney Smith makes the following reflection:—

“And thus it is in every region of the earth! There is no country where an Englishman can set his foot, that he does not meet these miserable victims of English cruelty and oppression—banished from their country by the stupidity, bigotry, and meanness of the English people, who trample on their liberty and conscience, because each man is afraid, in another reign, of being out of favour, and losing his share in the spoil.”

Well, my Lords, the evicted emigrants who were landed in New York fared even more horribly than the miserable creatures pictured by Waterton. They were transported across the Atlantic in what have been only too truly described as “The Coffin Ships,” which were freighted with the victims of landlordism and misrule. The “Erin Queen” sailed with 493 passengers, of whom 136 died on the voyage, amidst scenes which could hardly have been suppressed in a crowded and sickly slaver on the African Coast. It appears, writes Dr. Stratten, in the “Edinburgh Medical Journal,” that out of 552 passengers who sailed in the “Avon,” 246 died, and amongst 476 on board another ship, the “Virginus,” not less than 267 deaths took place; of 440 on the “Larch,” 108 died, and 150 were seriously diseased. The Chief Secretary for Ireland reported, with regard to the 89,783 persons who embarked for Canada in 1847, that 6,100 perished on the voyage, 4,100 on their arrival, 5,200 in hospital, 1,900 in towns to which they repaired. How some of these unhappy cargoes of humanity were made up has been explained by an English gentleman employed as conducting engineer of Public Works in Ireland during the famine, Mr. William Henry Smith, C.E., who, referring to the part of Connaught in which he was stationed at the time, writes thus:—

“Hundreds, it is said, had been compelled to emigrate by ill-usage [on the part of the landlords], and in one vessel containing 600, not one hundred survived.”

The Irish exodus had one awful result which, in the Irish recollections of that time, fills nearly as large a space as the famine itself. The people flying from fever-tainted hovel and workhouse carried the plague with them on board ship. Each vessel became a floating charnel-house. Day by day the American public was thrilled by the ghastly tale of ships arriving off their harbours reeking with typhus and cholera; the track they had followed across the ocean, strewn with the corpses flung overboard on the way. The official report of the Montreal Emigrant Society for 1847 contains the following pathetic passage descriptive of the last scene of all:—

“From Grosse Island, the great charnel-house of victimised humanity, up to Port Sarnia, and along the borders of our magnificent river; upon the shores of Lakes Ontario and Erie—wherever the tide of emigration has extended, are to be found the final resting-places of the sons and daughters of Erin; one unbroken chain of graves, where repose fathers and mothers, sisters and brothers, in one commingled heap, without a tear bedewing the soil, or a stone marking the spot. Twenty thousand and upwards have thus gone down to their graves.”

Upon all these and the other facts relating to the banishment of the Irish people in this way, Mr. John Stuart Mill, in his *Principles of Political Economy*, says:—

“The land of Ireland, like the land of every other country, belongs to the people which inhabit it. The Legislature should have looked with a different eye upon the forced expatriation of so many millions of men; and when the inhabitants of a country leave it *en masse*, because Government does not leave them room to live, that Government is already judged and condemned.”

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And it was once declared by Mr. Richard Cobden that when emigration arises from the necessity of fleeing legal famine it is no longer *emigration*, but *transportation*.

Now, my Lords, all these sickening memories, and the admissions of impartial English writings, acting upon the passionate temperament of a warm and impulsive race, were well calculated to evoke the deadliest enmity against the causes held responsible for this decimation of the people of Ireland. Then came after the great famine and these horrors that I have been describing, the break up of the O'Connell agitation in Ireland, and the helplessness of the people which followed the ravages of the famine. The State prosecutions in connexion with the Young Ireland Movement, and the penal degradation inflicted upon Smith O'Brien, John Mitchell, and others, who had but revolted against a power that had permitted tens of thousands of its subjects to die of starvation, added fuel to the fire of indignation which the famine had enkindled in the hearts of exiled millions.

This flame was not fanned by the Nationalists in Ireland, but by Irish landlords and the London "Times." Ireland politically lay crushed and powerless after the holocausts of 1847-48 and the work of State prosecutions. The landlords, seeing their opportunity, began that campaign of clearances which was to have wrung Ireland from the hold of its Celtic people, and turned it over to cattle and British settlers. Evidence has been given in connexion with these heartless razings of cabin homes and humble homesteads. But no evidence has yet been adduced to show the part, the inhuman part, which the "Times" played in these exterminations; and I will say here, my Lords, speaking with a more intimate knowledge of Irish-America than any other man among those who are charged before this tribunal, that no agency or influence belonging to English rule in Ireland has done more to keep alive and to exasperate the bitter memories of the exiled Irish of America, than the brutal and inhuman language of exultation with which the "Times" gloated over the exterminations which followed the great famine of 1847 and 1848. No Irish-American speaker ever addresses a meeting on Ireland in the United States who does not quote the language of the "Times" to justify the exchange of Irish for English hate as expressed by that paper at that time. For at that time the world believed, in the words of Ralph Waldo Emerson, that "what the 'Times' said in the morning England believed in the evening." That is, of course, no longer the case. What the "Times" says now few people anywhere will believe; and in proportion as it ceases to speak for or represent the feeling of Englishmen towards the Irish race will die out the hatred and the enmity which Irishmen in America but reciprocated from the "Times" apostleship of racial antipathy.

I will trouble your Lordships with a few extracts from the "Times" to prove the correctness of these statements.

In the "Times" of the 24th of January 1850, the editor says:—

"Ireland is certainly a country of bogs. Metaphorically it is occupied, for the most part, by one thick, interwoven, dark, noxious, swampy forest. There has been a little clearance towards the north; but even there, side by side with green, quiet, sunlit enclosures, there is abundance of brake and thicket. Ignorance, prejudice, idleness, misery, grow side by side in great profusion, and draw each other up to a marvellous height. All manner of unclean beasts alternately slumber and waken in their shade. We can hear their cries at this distance. Rebellion roaring from its cave, mistrust spitting at all who approach it, whether friend or foe, conspiracies of most gregarious instinct, and insane hatred howling for blood. Here Dr. McHale is at home. Not that he confesses altogether a liking for his savage neighbours. He owns that these are always hard to manage, often inconvenient, sometimes even mischievous. But on one point he has no doubt. None have any right to meddle with them but himself and his brethren. Ireland is their preserve; they have a right to breed or to extirpate evil as seems to them good."

If this ruffianly description of the Irish people,—then but emerging from the after effects of famine—the effects which I have been describing in the language of others—was even approaching to truth, what a comment it would be upon that Government and civilisation which was thrust upon Ireland by English rule centuries before 1850? The Dr. McHale thus insultingly spoken of was the then Archbishop of Tuam, whose name, next to that of O'Connell, commanded most of the affectionate confidence of

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the Irish race the world over. "To breed or extirpate evil as seems to them good" is the function which this literary ancestor of the Flannagan, author of "Parnellism and Crime," gave to the hierarchy and priests of Ireland who had dared to stand between the people and their landlord exterminators.

Dr. McHale was a Nationalist and a patriot as well as a Roman Catholic archbishop, and the vile abuse of him by the "Times" may be said to have been on account of his political and not his sacerdotal eminence. But, nothing Irish, whether National or Catholic, escaped the venomous hostility of this paper at this period; and it is well to remember, my Lord, in this connexion that these things were said in the name of England at the time when the present generation of Irishmen, both in Ireland and in America, was in its youth,—a period when the men who are now Land Leaguers were undergoing their political tuition under famine and eviction, and racial and religious hate at the hands of England.

The "Times" of the 6th April 1852, writing of the possible accession of the late Cardinal, then Bishop, Cullen to the See of Dublin, made the following bitter and insulting attack upon that distinguished ecclesiastic and upon the entire Catholic Church of Ireland. And the reason why, my Lords, I am troubling you with these articles, especially this one is this. It is well known that the vast majority of Catholics in the United States are from Ireland; that the priesthood of America is Irish; and these attacks made at this time upon the Catholic religion in Ireland were, of course, keenly felt in America. People who went to America from Ireland, whether they were priests or peasants, carried with them the knowledge that the "Times" had insulted everything that was sacred, and everything that was dear, and everything that was cherished to them; and they also believed in those days—unfortunately the whole world believed—that the "Times" only gave expression to the feelings of Englishmen and of English ruling authority. The "Times" at this date, the 6th of April 1852, in a leading article, says:—

"It has been the pleasure of that portion of the Irish Roman Catholic clergy to whom the election of a successor to Dr. Murray is entrusted, to propose as *dignissimus* for the approbation of the Pope, the person most obnoxious to the English Government, and most likely to make his elevation subservient to the purposes of Ultramontane aggression. As this very person was intruded by the Pope into the Roman Catholic see of Armagh, against the will and without the consent of the clergy of the diocese, there can be little doubt of his obtaining this further dignity now that the clergy have been willing spontaneously to offer this graceful tribute to that foreign power which the Roman Catholic Church of Ireland once felt it her duty and made it her point of honour to oppose. Dr. Cullen must henceforth be considered the leading and master spirit of the Irish Church. Its clergy speak his language, they obey his commands, and those who are too moderate to agree with his most extravagant and most un-Christian views will be intimidated into silence, and replaced as fast as they die off by persons professing the same opinions as the new Archbishop of Dublin. It is an ominous fact for the continuance of the present general system of education in Ireland, that it should be attacked by both sides at once, so that while Dr. Cullen is thundering his denunciations against it as virtually Protestant, the present Ministry have expressed a wish to modify and correct it as having too great leanings to Popery. Just as with the system of national education so does it seem likely to fare with the more moderate and reasonable of the representatives of Ireland. It is not enough that they should have done the bidding of the priests and wasted half a session in their attempts to check the course of anti-Papal legislation; the Irish Roman Catholic Church will henceforth be served only by Roman Catholics. The fiat of proscription has gone forth, and Protestant members are to be weeded out from among the representatives of Ireland. At the bottom of this system is placed the recently converted English clergyman who drags into the ignoble squabbles of Irish bigotry the venerated name of Wilberforce. At the head of it is Paul Cullen, the man whom the Pope and the Catholics of Ireland equally delight to honour, and whose nomination is due in an especial manner to his steady and unflinching opposition to the policy of England.

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“ There is no concealing the fact that the surest way to the hearts of Irish
 “ Roman Catholic ecclesiastics is to insult our Queen and trample on our
 “ Constitution. The Ecclesiastical Titles Bill has not been enforced; the only
 “ effect of its enactment seems to be that it marks out for honour and distinction
 “ the persons most forward in its violation. The labour of a whole session, the
 “ theme of so many debates, has had no other effect than to confer honour and
 “ impunity on its violators, and to serve as a grievance to excite the passions
 “ of the Roman Catholic laity. It is really pitiable to think how utterly powerless
 “ our Government is to prevent the growth in Ireland of a power far more
 “ unconstitutional than any nobleman ever exerted over the election of members
 “ of Parliament. It is lamentable to reflect that an amount of electioneering
 “ influence far greater than that of O’Connell in his palmiest days, has quietly
 “ passed into the hands of a conclave of bishops, presided over by an Italian
 “ priest, knowing little of our feelings and manners, and utterly unable to appre-
 “ ciate those causes by which the formation of opinion is created and controlled.
 “ We were led to believe some time ago that the Moderate and Liberal Party
 “ among the laity were able and willing to make head successfully against the
 “ tide of bigotry, which threatens to overwhelm everything in its onward and
 “ impetuous course. We are sorry to say that we see no prospect of such an
 “ effort. The country seems content to leave its representatives to be selected
 “ for it by the priests, and the priests select the most objectionable men whom
 “ they can find to give expression to their wishes. The return of 70 or 80 Irish
 “ Roman Catholics bodes little good to the coming Parliament. Neither party
 “ can afford to throw away the support of so numerous a body of auxiliaries, and
 “ it is quite possible by a judicious direction of their power they may be able
 “ to extort wide and impolitic concessions, such as it may not be good for the
 “ empire to grant, nor for the safety of a harassed and tottering ministry to
 “ refuse.”

My Lord, this article is not only a bitter and insulting attack upon the then head of the Catholic Church, but an attack upon the then Parliamentary representatives of Ireland, who had been endeavouring in Parliament to obtain some modification of the landlord system in Ireland, and to obtain some redress for the admitted grievances of the tenant farmers, and this language and more of it which follows, with which I will not trouble your Lordships on this one point, is sent forth day by day, month by month, year by year, by this so called leading journal, telling the Irish in America, who read extracts from the “Times” in American papers, that the same hatred, the same persecution which existed before they were driven out of Ireland existed, and was directed towards the remnant of the population left in that country.

[Adjourned for a short time.]

My Lords, I was endeavouring to explain the origin of the anti-English feeling amongst the Irish in America with a view of giving to your Lordships something like a connected narrative with reference to the organisations whose names have been mentioned over and over again in this inquiry, and with some of which organisations I am charged with having had connexion. I do not read this article from the “Times” attacking the Irish National sentiment and the Irish people, and the Irish Catholic religion, with a view of defending before this court either the existence of that feeling in America to which I have referred or the organisations to which I have alluded. But, in order that I should give your Lordships something like a connected story with reference to the American part of this case, I have deemed it well to adopt this proceeding; and, as I have already said, I have had, probably, greater intercourse with the Irish in America than anyone of the persons charged here, and I know the feeling which is prevalent amongst the Irish Americans with reference to the sentiments uttered by the “Times,” written by the “Times,” published by the “Times,” year after year following the great famine, down to the birth of the Land League in 1879. It will be unnecessary for me to inform at least one of your Lordships that Cardinal Cullen, who was the object of brutal and bitter attacks in the last leading article of the “Times,” to which I called attention, was one of the most distinguished ecclesiastics of the Irish Church, and one of the most law-abiding and loyal citizens to England in that country, but he was Irish and Catholic, and these were then the

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necessary qualifications to invite for their owner a kindred moral assassination to that with which an Irishman and a Land Leaguer is now assailed by the same journal which John Bright once complimented by naming it "The Devil's Organ on Earth."

The articles I have quoted from so far in that respect are mild in their language of barbed hate, and even Christian in their malignant attacks upon the Catholic Church of Ireland when compared with the following article which I take from the "Times" of the 2nd January 1852, at the time when there was a tenant right agitation in Ireland, and the elected representatives of the Irish people were endeavouring then, as they are now, to get the law of landlord and tenant modified to some extent in Ireland. The "Times" of 2nd January 1852, said:—

"The pure Irish Celt is more than a thousand years behind the civilisation of his age. His race has passed neither through the feudal system, nor even through that more primitive discipline which ranged the rude Saxons under their thanes. Except when he is insulated from the social influences of his own race, and fairly overpowered by superior numbers and organizations, he is incapable of that submission and service which are necessary to the larger and more profitable operations of industry, to the progress of all useful arts, and to national prosperity. When we speak of race, we are simply referring to an obvious fact, for this is not the place to cite or to imagine any hereditary curse inherited from the depths of antiquity or the beginning of time. We are only taking things as they are without attempting even to regard the individual Irishman apart from his social condition. The native Irish, as they are and where they are, defy all ordinary attempts to tame them into agricultural labourers, such as are the staple of the British agricultural population. Men of large means and uncommon force of character may here and there have conquered the natural independence of the Irishman; but, as a general rule, he is intractable. He can neither be servant nor master, for no one was a good master who had it not in him to be a good servant. Hence that miserable and helpless being the Irish cottier—a man who lives only for himself and his immediate kindred, incapable of public duties, at war with everything national, ever becoming smaller and poorer, more selfish and more miserable. Such were the myriads who held what were called "farms" of five or ten acres. Their condition and character has been so often described, especially in the memorable pages of the Devon Report, that we need not prove the existence of such a class incompatible with civilisation. The Irish cottier, the man with his half dozen acres, his bit of common right, his hut without floor, without chimney, without window, without furniture, and without a separation between the human and brute occupants, was a mere savage, and, calamitous as are the events by which it has come to pass, we now thank Heaven that we have lived to speak of the class as a class that has been."

These, my Lords, are words written in this English paper—this representative English paper—at a time when tens of thousands of poor cottiers in Ireland had been turned out on the roadside, driven into the workhouse, or forced into the coffin ships across the Atlantic to die on the way, and the memory of these words live in Irish-American minds. They are reproduced from time to time by Irish-American journals, and I say it again that the conduct and language of the "Times" from the year 1847 down to 1879 is probably more responsible for keeping alive the hatred of English rule in Ireland in the American mind than any other factor at work in the administration of affairs in this country.

The "Times" continues—and I shall not trouble your Lordships much longer with these quotations for the present—the "Times" continues:

"The change which has taken place in the population and condition of Ireland is inadequately expressed in the fact, prodigious as it is, that during the 10 years ending with 1850, about 1,600,000 have emigrated from that island. That calculation is itself below the truth, for it assumes the emigration from Ireland into Great Britain to be no more than that from Great Britain to the Colonies or foreign countries. The change is inadequately expressed in the figures at foot of the census return putting the decennial decrease at 1,659,300
 " * * * * * As for Ireland herself, we resign ourselves without reserve

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“ though not entirely without misgiving to her continued depopulation until only
 “ a half or a third of the 9,000,000 claimed for her by O’Connell remains. We
 “ may possibly live to see the day when her chief produce will be cattle, and
 “ English and Scotch the majority in her population. The nine or ten millions
 “ who by that time will have settled in the United States cannot well be much
 “ less friendly, and will certainly be much better customers than they now are.
 “ When the Celt has crossed the Atlantic, he begins, for the first time in his life
 “ to consume the manufacture of this country, and indirectly contribute to its
 “ customs. Unquestionably, there is much that is consolatory, and even com-
 “ fortable in the extraordinary turn that we witness in Irish affairs.”

It would be a pity, my Lords, to spoil by any weak comment of mine the symmetrical infamy of such language as this. And yet the journal that has thus brutally written of the Irish race complains now that the Patrick Fords and John Finnertys speak back hate for hate, and vengeance for vengeance, from the land in which they have not become mere customers for English manufacturers, but powerful and respected citizens of a greater nation than even this, and the greatness of which that race, hated and despised and driven forth by the “Times” and its abettors, has taken a proud and honourable part in creating. Yes, my Lords, there are Clan-na-Gaels, and “Irish Worlds,” and deadly enemies to England in America, and a marvel it would be if there were not—nay, it is more wondrous still that they are not more numerous and powerful. They are the product, first, of landlord injustice, sanctioned and executed by English law in Ireland; and, lest the memory of eviction or expatriation should die out amidst the liberty and justice enjoyed in another land, the caricatures of London’s so-called “comic” papers, and the undying hatred of the “Times” pursue them year after year to the land of their adoption to show how deep-seated and ineradicable is that English unforgiveness, which is born of wrong-doing to the unfortunate people of Ireland.

My Lords, there is one prediction among the many evil ones contained in the foregoing article from the “Times” of 1852, which time has not seen fulfilled. English and Scotch settlers have not yet replaced the Celtic population of Ireland. The Celtic people still remain. The Land League, which is here on its trial, was meant to keep them in the land, and on the land which providence has created for our race. It has partly succeeded in its work. It has done more. The Land League has compelled the Legislature of England to register its principles upon the statute book of the realm. And, my Lords, the Land League has done even more. Its ideas of land reform, founded upon natural right, have invaded England. They are more widely accepted to-day among the toiling millions of Great Britain than are the economic teachings of the “Times.” And what is more, and what is better still, my Lords, these Land League ideas and principles of land reform point out and prove that the social ills of Ireland—the causes of agrarian disturbance, and of racial mistrust, can be cured, can be eradicated without injury in the least to the legitimate interests of the 30 millions of people in Great Britain.

But, my Lords, to return to the growth of the anti-English feeling among the Irish in America. The “Times” itself, even when preaching its gospel of hate against the Irish had occasionally glimmerings of reason, and predicted that this alienation of a people would yet work injury to England. Writing on the 7th of January 1850, the Editor said:—

“ For two or three years nearly a thousand a day have quitted Ireland for a
 “ country which they may now almost call their own. ‘In fact,’ as Mr. Bright
 “ says, ‘the export of Ireland consists now of Irishmen.’ Of course, there is
 “ danger, as there has already been mischief, in the final alienation and the
 “ accession to another state of so many unfortunate men disaffected to our rule.
 “ Doubtless if a war should arise to-morrow between this Empire and the States,
 “ the Irish citizens would hold up their hands to a man against it.”

And if they would, my Lords, in such a contingency, I do not know any influence that would be more to blame for it than the “Times” itself. I endorse that last sentence in that leading article of the “Times.” I remember calling in 1878 upon the late General Sheridan, who died, as your Lordships are aware, the Commander-in-Chief of the United States Army. He was at that time commanding the Division of the West

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and he had his headquarters in Chicago. I asked him, among other things, about how many men of Irish blood would, in his opinion, join the American Army in the event of a war with England. I will never forget his reply. It was this: "Inside of 48 hours after war would be declared, a million of men of Irish blood would leap to arms." And this was the distinguished soldier and citizen of the American Republic who once declared that if he had been born in Ireland he would have been a Fenian. Ten years after the "Times" had written the words just quoted, it once again returned to the subject of the future danger to England which might yet be the outcome of this expatriation of the Irish, and in some respects, though happily not in all, the following words were prophetic. The article is from the "Times" of the 4th of May 1860.

"Ireland will become altogether English, and the United States Republic altogether Irish. Yes, the time may come when Ireland will be no more Celtic than the Lowlands of Scotland are Saxon, the Eastern counties Danish, Cornwall Phœnician, or Ireland itself Milesian or Spanish. * * * * There will then be again an Ireland, but a colossal Ireland, and an Ireland placed in the New World. We shall only have pushed the Celt westwards; ceasing for the future to be imprisoned between the Liffey and the Shannon, he will spread from New York to San Francisco * * * * We must gird our loins to encounter the Nemesis of seven centuries of misgovernment. To the end of time a hundred millions of people, spread over the largest habitable area in the world, and confronting us everywhere by sea and by land, will remember that their forefathers paid tithe to the Protestant clergy, rent to absentee landlords, and a forced obedience to the laws which these had made. * * * * And even though the rancorous Celt were to forget and forgive, that will not prevent the sure development of an intractable race, and the introduction of intractable elements into the character of the great American nation. It will be more than half Celtic. Doubtless the Saxon, Danish, French, German, African, and other races besides will be found in it; but the preponderating race of all will be that one which has attained the climax of its perfection and its glory on the banks of the Seine, and which has been precipitated into the deepest abysses of degradation and despair on the western shores of Ireland. So we shall have nourished and brought up, by us at home, a power which is called to rule over the New World, to extend its influence over both the oceans, and to become the master of an entire hemisphere. This New World is the last and final home of the Celtic race."

If the "Times" could write these sentiments nearly 30 years ago, when the exterminating policy was still going on, is it, my Lords, any wonder, humanly speaking, that we should have had in our day the writings of a Patrick Ford, and the dynamite oratory of a John Finnerty? If the Irish America of the last ten years has given back to England the menace of a Clan-na-Gael 40,000 or 50,000 strong, what do we witness in this but the fulfilment, on a very small scale it may be, but still a fulfilment of the prophetic words of the "Times" written 20 years before the Land League came into existence? And yet, my Lords, in face of these articles written so far back, the "Times" endeavours to make this Court and Great Britain believe that the Fords and Finnertys were invented or first discovered by me, and that I am the origin of the so-called conspiracy with the Land League in America, and that these Fords and Finnertys have, as alleged, played a part dangerous to life and liberty in these countries.

Sir Charles Russell has told your Lordships something of the Fenian movement in America 24 years ago, and the witness Beach spoke of an invasion of Canada that had been undertaken in connexion with that movement, and in which project he alleged he took part. It was understating facts to say that this movement had from 200,000 to 300,000 followers. At least half a million of men were members of the Fenian Brotherhood of America at one time. The Canadian invasion killed the movement. Canada may be a British colony; but the people of Canada were not the rulers in Dublin Castle, and an attack upon Canadian soil as retaliation for English misrule in Ireland was like blaming the rain which falls in London for the pollution of the river Thames. The insurrection of 1867 had failed in Ireland also, and, as generally happens when a revolutionary movement collapses, the fragments of Fenianism assumed an independent existence, and carried out for themselves different methods of action to

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attain the object which had been sought for. According to the evidence of Beach, the United Brotherhood, as an offshoot of Fenianism, came into existence in 1870. What purported to be its constitution, rules, *modus operandi*, and varying membership, have been put in as evidence by Beach. If the numerous documents which Beach has procured from Anderson be genuine documents, your Lordships will certainly not lack information as to the character and organisation of the United Brotherhood. But I desire to say that, for my part, I do not accept them as genuine.

In 1876 O'Donovan Rossa, disgusted at what he considered the degeneracy of the Fenian Movement, its weakness and inactivity, started what is known as the "Skirmishing Fund" in the columns of the "Irish World." The avowed object of the skirmishing fund was to attack England at any vulnerable point and to keep up against her power in Ireland or elsewhere a constant system of annoyance and attack. In fact, the policy thus put forward might have possibly been inspired by the "Times" leader of 1860. The fund to sustain this policy reached some \$80,000, but in 1878, I think, and before half of this sum had been contributed through the "Irish World," the control of the fund and of whatever movement was behind it—I do not think there was any organised movement or society—behind Rossa at the time, Rossa was superseded by a board of trustees whose names have been given in evidence, and the name of the fund changed to "The National Fund." I will deal by-and-by with what is imputed to my accidental connexion with this fund. But here, my Lords, it is well to ask, Who was O'Donovan Rossa? He has only been known to your Lordships in this inquiry as the originator of the "Skirmishing Fund," and as an opponent of the Land League. To the people of England the name of Rossa implies all that is embraced in dynamite, and implacable enmity to English Government. But, my Lords, who is Rossa? I am not called upon to defend him here or anywhere, for, if what he has been writing in his paper against me for the past 10 years reflects his honest convictions about me personally and politically, he evidently thinks me to be an agent of the British Government and an ally of the "Times." In fact, the second day after the opening of the Commission he wrote in his paper that it was quite evident I was an ally of the "Times," and introduced myself on this inquiry in order to help the "Times" and the British Government in their opposition to Mr. Parnell. But I am not on that account going to sit in judgment upon him here. Who, or what has made him what he paints himself to be? Anyone who will inquire in the town of Skibbereen, co. Cork, what Jeremiah O'Donovan Rossa was when living there in his native place 30 years ago, will learn that he was a jovial, kind-hearted, and open-hearted young man, of unblemished character and of undoubted respectability. He had been an eye witness of the famine horrors which have burned the names of "Skull and Skibbereen" into the memories of the present generation of Irishmen. He joined the Fenian movement in after years, was tried for it, and sentenced to penal servitude for life. He has told the story of his prison life. Part of it can be found in Parliamentary blue books, and the story relates that on one occasion for 28 eight days, this man was manacled in such a manner that he was compelled to go down on his knees in his cell at meal times and lap up his porridge as a dog eats its food. He committed breaches of discipline it was true, but the discipline was that which Rossa underwent in common with the worst of ordinary malefactors, a degrading, an inhuman discipline which no other civilised nation would subject a political prisoner to except England. Rossa underwent five years of penal servitude for having been a Fenian. Your Lordships have been told that it was he who originated the "Skirmishing Fund." At the very time in 1876 in which Rossa and the "Irish World" set this new revolutionary policy going, the following articles appeared in the "Irish World," and I crave permission to read them:—

“ ‘Irish World,’ March 18th, 1876, page 4.

“ Homeless Irish Girls.

“ In the annual report of the Castle Garden Labour Bureau for 1875, given
 “ in the Trades Department last week's 'Irish World,' there was one item
 “ painfully suggestive. We refer to the enormous number of Irish girls, as
 “ compared with those of other countries, who landed in New York and were

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“ assisted in procuring employment by the Bureau. To illustrate this more
 “ clearly, we reproduce the official list:—

“ Germany	-	-	-	-	263
“ Ireland	-	-	-	-	5,016
“ England, Scotland, and Wales	-	-	-	-	74
“ Norway, Sweden, and Denmark	-	-	-	-	45
“ Switzerland	-	-	-	-	8
“ Belgium and Holland	-	-	-	-	4
“ Russia and Poland	-	-	-	-	5
“ Bohemia and Hungary	-	-	-	-	2
“ Canada	-	-	-	-	4

“ While only 405 females from all other parts of the world sought the
 “ assistance of the Bureau, 5,016 girls from Ireland alone were aided. The
 “ great majority of those Irish girls were of course furnished with employment
 “ as house servants. They are, therefore, in many cases, necessarily and
 “ unwillingly brought into contact with young men to whom virtue is unknown.
 “ How many Irish girls have been robbed of their virtue in this way during the
 “ last 30 years, God alone knows. Yet they are forced to leave the land of
 “ their fathers or starve therein. Homeless and penniless, they land at Castle
 “ Garden, and are forced to risk the contaminating influence of such surroundings
 “ to procure that bread denied them in Ireland. Last year's influx of indigent
 “ Irish girls were no exception. It is the same every year, and will continue the
 “ same till English rule in Ireland has been utterly annihilated, and the land is
 “ owned and tilled by the fathers and brothers of Irish girls.”

I do not quote these words in order to make any legal point, but I want to trace the growth of this ante-feeling in the United States against England, in order to explain the part that these men have played in these various movements in the United States, and to explain my own position with reference to these men later. One more article, or quotation rather, in this same year in which this skirmishing fund policy was adopted by Patrick Ford. It is in the “Irish World” of May 1886. It is headed “Squelch Iron,” and the editorial says it is a quotation from Carlyle.

“ The Irish speak a partially intelligent dialect of English, and their fare
 “ across by steam is four shillings sterling. Crowds of miserable Irish darken
 “ all our towns. The English coachman as he whirls past lashes the Milesian
 “ with his whip, curses him with his tongue. He is the sorest evil his country
 “ has to strive with. In his rags and laughing savagery he is there to undertake
 “ all work that can be done by mere strength of hand and back for wages that
 “ will purchase him potatoes. The Saxon man if he cannot work upon those
 “ terms, finds no work. He too may be ignorant, but he has not sunk from
 “ decent manhood to squalid apehood. The uncivilised Irishman, not by strength,
 “ but by the opposite of strength, drives out the Saxon native and takes possession
 “ of his room. There abides he in his squalor and unreason in his falsity and
 “ drunken violence as the ready made nucleus of degradation and disorder.
 “ There is no pestilence like that, and against it what quarantine is possible?
 “ The time has come when the Irish population must be either improved a little
 “ or exterminated. Ireland is a starved toad in the way of an elephant. What
 “ is the elephant to do with her? Squelch her, by heavens.”

Well, my Lords, I will not trouble you with the article which the “Irish World” writes upon this text from Carlyle. The editor may have been wrong in selecting this one passage from that distinguished writer, and thereby leading readers of the “Irish World” to believe that all through his writings that great literary genius had expressed nothing but that savage contempt for the Irish people. I will not be so unjust to Carlyle, but these sentiments copied into the “Irish World” commented upon by the editor of the “Irish World” will partly explain the bitter writings of this man in this paper, which have been reproduced in this court against the persons charged.

My Lords, the name of Mr. Patrick Ford has been so frequently mentioned in this inquiry, and his paper, the “Irish World,” has been so extensively quoted by counsel for the “Times,” that I feel called upon to deal with this branch of the American case against us at some length, and especially against myself. Mr. Ford and his paper are

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a separate quantity in the matter of Irish-American politics. He has never been a member of any secret society. His paper was never the recognised organ of any party or individual, save its owner. It has been an independent force—an immense force—in the various movements, revolutionary and otherwise, which have arisen in America since the paper first appeared in 1870. Neither has it been a constant supporter of Mr. Parnell's policy. The "Irish World" has had a programme of its own, and has advocated it with great force and ability. I am not called upon to defend all that has appeared in the "Irish World"; but I am prepared to adopt here every word which I have ever written in its columns. I am not afraid to say I have been for a brief period its correspondent in Ireland. Let the "Times," if it can, lay hold of and produce against me anything so written that can be tortured into a justification of the allegations of "Parnellism and Crime." I have said I corresponded for a time for the "Irish World." Since my release from prison in 1877, I have earned my bread by journalism—when not in prison through politics. Along with writing for the "Irish World," for a period of a few months in 1879–80, I have likewise supplied correspondence at various times for the "New York Sun," the "New York Daily News," the "Boston Pilot," the "Philadelphia Times," the "Montreal Post," the "New Orleans Times"—Democrat, while I have contributed occasional special articles for several other American journals. If the "Times" desires to peruse these communications of mine, which cover several years, I can place copies of them at its disposal.

I have known Patrick Ford since my first visit to America in 1878. He has been a bitter enemy of England as a governing power in Ireland. I am not going to condemn him on that account. England is no more entitled to my championship here than to Mr. Ford's gratitude. Patrick Ford would scorn to defend himself before any English tribunal for what he has written or done as an Irish-American citizen. He is not subject to the laws of England, and he has broken no law in his adopted country by advocating in his own way the cause of liberty in the land of his birth. Therefore he is not on his defence here. I know he has written violent and revengeful articles in his paper against England as a ruling power in Ireland. I have not endorsed such sentiments, nor have I approved of his policy when that policy advocated the use of dynamite in retaliation for the crimes of England's Government against Ireland. Nay, more, I have more than once argued in his own paper against his views, when for a few years after the suppression of the Land League he abandoned the Land League propaganda of moral force, and became the advocate of violence. I can even say more. I believe I can lay claim to having induced Mr. Ford to abandon for good his propaganda of dynamite. Anyhow I believe I am correct in saying that the "Irish World" has not, since the abandonment of a coercive policy for Ireland by one of the two great English political parties, preached either dynamite, hatred, or vengeance against England. Patrick Ford has been held up by the "Times" to the people of England a sort of monster, who revelled in the plotting of murder and assassination. Well, my Lords, I do not know him in that character. I must speak of the man as I have found him, and while, as I have already said, I have condemned more than once—and my condemnations have been read in this Court—his policy of violence and dynamite, I have always found him, and found him spoken of by those who have known him longer than I, as a kind-hearted man, as a good citizen, as a practical man, and as a philanthropist.

I am not singular in my estimate of Mr. Ford. The President of the United States of America has recently placed on record his appreciation of the man. If such a man has become the enemy of England's rule in Ireland, I am not to blame. The "Times" must seek for the genesis of his enmity in the records which tell of evicted families and levelled homes and razed hearthstones in Ireland following the famine of 1847–8. The inhumanities of the law, to borrow an expression once used by the "Times" itself, when explaining the causes of agrarian murder, have sown their dragon's teeth of eviction, expatriation in Ireland, and have produced in America a crop of Patrick Fords and John Finortys and Clan-na-Gael societies. Again I say, the responsibility for this cannot be laid at the door of Mr. Parnell, or myself, or the Land League.

I have spoken in some letter of mine, which has been quoted more than once in these proceedings, words like these, or to this effect: "Patrick Ford has been to me a guide, philosopher, and friend." There was manifestly more of a desire to bring in this hackneyed phrase in the letter referred to, than to declare literally what my

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personal relations with Mr. Ford had been up to the present hour. I have met Mr. Ford about a dozen times in my life; I have written him, possibly, a score of private letters, and may have received half as many from him in reply. My letter to his paper, the "Irish World," comprise about a dozen short ones by cable, not more than half a dozen in ordinary newspaper correspondence, and about a dozen acknowledging sums of money sent to me for charitable purposes. These relations, private and public, would not warrant the use of the phrase "guide, philosopher, and friend" in any but the sense of friendly and complimentary exaggeration which dictates our sentence when in public speech or letter we allude to some one whom we esteem. I say this, however, with no desire to separate myself before this tribunal from Mr. Ford, in the sense to which I have already spoken of him. The "Irish World" did not form my opinions on the Irish question, rational or social, as I have had the strongest of human reasons to love Irish liberty and to hate Irish landlordism from the earliest years of a life whose trials began with an eviction, and which, from then till this very hour has been a struggle with English hatred, calumny, and accusation. I needed no teachings from the "Irish World" or any other source to become what I avow myself before this tribunal to be, the irreconcilable enemy of Castle government and Irish landlordism. My monitor has been bitter personal experience, and not Patrick Ford.

One word more about Mr. Ford before I pass from the man to deal with his paper. I cannot forget that when in the winter of 1886 the inhabitants of the islands off the coast of the province of Connaught were face to face with starvation, who it was came to their rescue in a spirit of true Christian charity. In answer to an appeal by me for funds with which to buy food and seed potatoes, I received from Patrick Ford a sum of nearly 3,000*l.*, by which want and starvation were kept from hundreds of humble cabin homes. I cannot forget that since 1886 I have been able, chiefly through the means placed at my disposal by Mr. Ford, to contribute hundreds of pounds in small grants where relief was most needed among the victims of Irish landlordism, and to aid many a poor fisherman along the western seaboard by money received from the same quarter. It is these and kindred acts of Mr. Ford's since I first knew him, and not his advocacy of dynamite, which has caused me to be his friend and which compel me now to do him the simple act of justice which the recital of these facts before this tribunal but imperfectly performs.

Whatever use the "Times" may make of these admissions, they are welcome to it. I am compelled by the dictates of truth and justice to be fair to this man, to speak of him as I have found him; and, while, as I have said before, over and over again, I have never sanctioned, and never encouraged in any way, directly or indirectly his propaganda of violence or dynamite, while I believe I have succeeded in converting him from this to better courses; I think it is only fair, in his absence, that I should tell these facts to his credit about the assistance he has given to the cause of charity in Ireland.

The record of the "Irish World" to the extent alluded to, or charged against it here is this:—In March 1876, it inserted a letter from O'Donovan Rossa, proposing the formation of a Skirmishing fund, for the purposes referred to, in what I have said in my remarks upon that individual. In July of 1878, Rossa was superseded in the control of this fund; the name of the fund was changed to the "National Fund" a board of trustees was appointed, and Augustus Ford, brother of Patrick Ford, became its secretary. The "Irish World" continued to receive moneys for and to support the policy of this fund, until about the period in 1879, when the Irish National Land League was established in Ireland, and Mr. Parnell proceeded to America to found an auxiliary organisation there. After the Land League began as an organisation in Ireland and the United States, the "Irish World" gave it a warm, a generous, but an independent support, and ceased from that time until the beginning of 1883 from advocating a policy of physical force or violence as a means of serving the Irish cause; but during that time it is only just to the other persons charged, especially to Mr. Parnell, for me to say what I shall prove by and by, that notwithstanding the generous support given by the "Irish World" to the Land League, it occasionally attacked Mr. Parnell. I must say I cannot explain why, but it is a fact that the "Irish World" was always more partial to me than it was to Mr. Parnell. I presume the reason is that Mr. Parnell was a landlord and an aristocrat, and I belong to the opposite social pole. After the Land League begun, as I have said, the "Irish World" ceased to advocate the policy of O'Donovan Rossa and the Skirmishing Fund.

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It was at or about the period when the "Irish World" began to drop the "Skirmishing" policy that the transaction occurred between Ford, Devoy, and myself, which has prompted the "Times" to frame the second count of its indictment against me, which in the language of the particulars served upon me, alleges,

"That Michael Davitt assisted in the formation of the Land League with
"money which had been contributed for the purpose of outrage and crime."

The first part of this allegation is perfectly true. I did assist in the formation of the Land League. The second part is false. I did not so assist with "money which had been contributed for the purpose" stated.

The grounds upon which this charge is based consist of certain statements made by me in an interview which took place between me and a New York reporter in 1882; at least, I do not recollect that any other evidence, except what is taken from this interview, was brought before your Lordships with reference to this particular transaction. Possibly I am wrong in my impression, but I cannot recollect that any other evidence, except what I am about to refer to, was brought before the Court. I assert that such statements in no way warrant or justify the allegation which has been sought to be founded upon them. The statements in the interview are as follows. This has been read and put in. It is on the official note somewhere.

"But, Mr. Davitt, such work as you describe must have cost some
"money. You had no organisation to draw from. Where, then, did the money
"come from?"

"Local committees would collect the fund necessary to erect platforms, pay
"for printing, and help to defray the travelling expenses of speakers. Some of
"the expenses incurred were met by me out of a testimonial with which I was
"presented on my release from prison. Mr. Parnell and some other speakers
"usually paid their own travelling expenses.

"In this manner the agitation was carried on from its inception to August
"1879. Here I must give you a piece of 'secret history' in connexion with the
"agitation. In August 1879, two months before the National Land League was
"organised, seeing that some money was necessary, I put myself in communi-
"cation with Patrick Ford of the 'Irish World,' John Boyle O'Reilly of the
"'Boston Pilot,' John Devoy, the late Patrick Mahon, of Rochester, and
"Dr. William Carroll, of Philadelphia. I represented to them, as personal friends
"of mine and representative men in America, the importance of this agitation in
"Ireland. What had been done up to that time had received very little attention
"in America except in the 'Irish World' and the 'Boston Pilot.' I told them,
"the agitation had been carried on to that point at the personal expense of a
"few men, and that in order that it should be made a great movement it would
"be necessary to start an auxiliary movement in America, so as to allow those
"who had been driven out of Ireland by landlordism to co-operate with us in
"our efforts to drive landlordism out in turn. As these gentlemen had assisted
"me before in organising a lecturing tour through America, on the occasion of my
"first visit, I wrote to request this assistance again for a second tour for the benefit
"of agitation in Ireland, and for the purpose of explaining its objects and scope
"to the people of America. The answer to these letters was from Patrick Ford.
"He enclosed a draft of 303*l.* 8*s.*, and intimated that the money was advanced to
"him by the trustees of the National Fund, to be sent to me to aid me in
"carrying on the movement in Ireland, and to obviate the necessity of my
"coming to America to lecture in order to procure funds. He thought, as the
"National Fund had been subscribed by victims of landlordism, no one would
"object to have some of the money used against landlordism in Ireland. I wish
"to emphasise the fact that I had made no demand or request for any part of
"the National Fund, but that the money was sent in answer to my request for
"assistance in a lecturing tour. In a few months I found that parties were making
"use of my name in connexion with the National Fund, and statements were
"made that the fund had been used in the organisation of the National Land
"League. This is not true; not one cent of it was ever used in the organisation
"of that body. A portion of that received by me was used in defraying the
"expenses by speakers, printing pamphlets, and other work necessary to be done

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“ at first. Hearing of these misrepresentations, I wrote to the men I had written to at first, and told them that I should consider the 303*l.* 8*s.* a personal debt. During my last lecturing tour in 1880 I paid 200*l.*, and the balance, 103*l.* 8*s.*, I have paid back since my arrival on this tour. When Mr. Parnell, Mr. Dillon, and others heard afterwards of the transaction, and the stories set in circulation about it, they wanted to pay the money out of the Land League funds. This I refused, as I said it was a personal debt which I preferred to settle myself.”

Now, my Lord, these are statements made by me in 1882, five years before these proceedings began. If there was anything criminal—anything of the nature imputed by the “Times,” in this transaction, I fancy a man who can boast of some little common sense would not have told the whole world all about this business, as I did in this interview. This interview appeared in several papers in America, in addition to the one it was first given to, the “New York Daily Herald.” It was also reproduced on this side in Irish National journals, and got in fact world-wide publicity. Well, my Lord, there is no word in this statement of facts which corroborates the allegation of the “Times.” If it is maintained that the land agitation which preceded the Land League in the West of Ireland was part of the foundation of the League organization, that it was the necessary prelude to the League proper, the facts show that such agitation was set going, and kept going four months before any of the money referred to in the “Times” allegation, or mentioned in my statement of 1882, was received by me from Devoy and Ford. What was sent to me in the month of August 1879 from New York, as related in this interview, could not be made use of by me in April or May, or June or July, of the same year. Therefore, the land agitation which originated in Mayo in April of 1879 was not, because it could not be, started by money which came to me, and came unsolicited, in the month of August following.

My Lords, if, on the other hand, it be alleged that the foundation of the League in Dublin on the 22nd of October 1879 was carried out by the money which Devoy and Ford sent to me in August, I say, what I have already sworn, that not one penny of such money was expended by me, or by anybody else for me, in promoting the conference which established the National Land League, in paying for the printing connected with that conference, in defraying the expenses of any single person present thereat, or in meeting whatever indebtedness was incurred in renting the room in which the conference took place. All the expenses entailed in the work of assembling this conference, which called the Land League into existence, were met out of the subscriptions of the members—that is, out of the regular funds of the Land League organisation, which was founded on the 22nd of October 1879.

As clearly stated in the interview in the “New York World” of July 1882, the money which was sent to me in August 1879 by Ford and Devoy was (1st) unsolicited by me, (2nd) it did not, because it could not have, set the agitation of the previous April going in the West of Ireland, (3rd) it did not defray any part of the expense incurred in the actual foundation of the League, as this was done out of the moneys of the League itself after the conference of October was held, and (4th) the Ford-Devoy donation was repaid back by me, not out of League funds, but out of my own personal resources, as I have explained to the world seven years ago.

Not one tittle of evidence has been produced by the “Times” which holds water against the proofs of the falsity of its allegations that I helped to start the Land League with money which was subscribed for the purposes of crime and outrage. The “Irish World” has never claimed that the money forwarded to me did what the “Times” alleges. In the “Irish World” of 4th September 1880 (I do not know whether that particular number has been put in or not, my Lord; I think it has)—that is, within 12 months of the period of the money transaction to which I have referred, and two years before the date of my interview relating the circumstances under which the money was sent to me, the whole story is told by Mr. Ford himself, and I will leave your Lordships to compare the facts here related by him in his paper with those which are found detailed in my subsequent statement of the affair in the interview of 1882.

The “Irish World” of the 4th of September 1880, says in an editorial article:—

“ We do not know whether it is stupidity or malice that makes O'Donovan Rossa put forward this sort of presentation.”

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This is a part of the article. I do not justify what precedes this part. It is not germane to my argument:—

“ The letter quoted by him does not admit that ‘some of the skirmishing
 “ ‘money was given to the Land League.’ Some aid was given—or rather had
 “ been intended to be given—to Michael Davitt about a year ago to assist in
 “ the prosecution of his anti-rent mission. At that time, the Land League was
 “ not in existence. There was no organisation of any sort. Michael Davitt and
 “ a few others, among whom was Thomas Brennan, went out as apostles to
 “ preach to the people the gospel of their natural rights. They gave their time,
 “ their labour, and their means to the cause they had espoused. Not one penny
 “ from any quarter—either from organisations or individuals, came to them.
 “ ‘Who serveth as a soldier at his own expense’? asks St. Paul. The Apostle
 “ to the Gentiles himself did. (In our day let us say it reverentially) Michael
 “ Davitt and his brother workers did. He had been in America, it will be
 “ remembered, some eighteen months ago, and in a lecture tour east and west,
 “ made a few thousand dollars. Every dollar so gathered was expended by him
 “ afterwards in preaching the Land Gospel in Ireland. What was Mr. Davitt to
 “ do now that he was spent? What was the cause to do? Money cannot
 “ effect everything in this world, but without money much will be left
 “ undone that the world greatly needs. The knowledge of Mr. Davitt’s situation
 “ came to us. He, of course, wanted nothing for himself, but the cause he was
 “ engaged in wanted him, and we felt it to be a duty to do something to sustain
 “ the good work. The idea of starting a fund through the columns of this paper
 “ suggested itself; but that might work slowly for a time, and the urgency of
 “ the matter would not admit of that.

“ The proverb, ‘What is given quickly is doubly given,’ came to mind; we
 “ spoke of the matter to Augustine Ford, and he, at our instigation, submitted a
 “ proposition to the board of trustees, that they would give or loan a certain
 “ sum of money to Mr. Davitt for the purpose stated. They voted 5,000 dollars.
 “ The money was to be sent over in instalments. About 1,000 dollars had reached
 “ its destination, when, by some means, it leaked out on the other side of the
 “ Atlantic that the Skirmishing Fund was at the back of the land agitation.”
 “ Mr. Davitt, it is known, is a ticket-of-leave-man, he holds his personal liberty
 “ at the sweet mercy of the British Government; any pimp of that Government, if
 “ the source of this pecuniary aid came to his knowledge could make it unpleasant
 “ for Mr. Davitt, although Mr. Davitt had never asked the Skirmishing
 “ Board for a penny, nor, in point of fact, did he know from whence,
 “ when promised by us, the money was expected to come. When, however,
 “ Mr. Davitt was informed, he signified his willingness to receive it as a
 “ loan; but when the idle tales appended to it came to his ear, Mr. Davitt
 “ promptly wrote to America to tell the board of trustees not to send him any
 “ more money; and what money they had sent him he would repay them as soon
 “ as it was possible. The 1,000 dollars received by him, we believe, is now paid
 “ up. The other 4,000 dollars he never touched and never will touch.

“ It will be seen, then, that the aid given—or the aid intended, rather—was
 “ designed for ‘the Land Movement,’ as Augustine Ford’s letter states, and
 “ not for the Land League, as O’Donovan Rossa stupidly or maliciously would
 “ have people infer. The Land League did not exist at the time. At that time
 “ Parnell was not in the movement.

Now, my Lords, with reference to this matter, the mention in some “U.B.” circular produced by the spy Beach of a money item in connexion with my name has reference to the remittance from Ford and Devoy already explained. No evidence whatever has been given to show that this item related to any other transaction. No other moneys but the sum already referred to and explained by me was ever received by me from any revolutionary fund in America or elsewhere since my release from prison in 1877, and I again and finally deny as absolutely untrue the allegation that I helped to found the Land League with money which had been subscribed for purposes of outrage and crime.

There is no doubt but that some of the money received by me from Ford and Devoy was used for personal expenses, and that I may have given help to personal friends.

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I also probably defrayed whatever expenses I incurred when I was prosecuted in Sligo in November 1879. I know I distributed more of this money as charity in visiting poor districts near which I might be addressing meetings; and I have admitted in my evidence that I defrayed the expenses attending the distribution of some copies of the "Irish World" in 1879 and 1880; but in no other way was any of this money expended by me, and, as I have already shown, it was paid back by me out of my own, and not out of Land League or other resources.

Now, my Lord, passing from this, the part which the "Irish World" has taken in the Land League movement has been at once so significant and singular that I may be permitted by your Lordships to deal with it in this portion of my argument so as to obviate the necessity of returning to it again. The nature and extent of this paper's support of the League will not, on examination, substantiate the theory of the "Times," that the Land League was the virtual creation and instrument of the "Irish World." "The inspiration of the Land League" did not come from the "Irish World," though it is true to say that no paper gave a more enthusiastic or more substantial help to the movement. Its owner was not consulted either in regard to the initiation of the agitation at Irishtown in 1879, or the formation of the Land League organisation in Ireland or in America in the subsequent October, or when Mr. Parnell started the auxiliary movement in New York on the 30th of March 1880. No suggestion was ever received by me from the "Irish World" either as to the inception of the land agitation or the formation of the Land League. It is, however, only right to say that the land question had been a "hobby" of the "Irish World's" almost from the birth of that paper. But it is but equally true to say that twenty years before the appearance of this paper, there was a tenant league in Ireland; while so far back as 1848, there appeared in Gavan Duffy's "Nation" articles as strong in condemnation of Irish landlordism as any that have ever been printed in the "Irish World." The very same reasons which appealed to the Irish people of America for a support of the Land League movement influenced the editor and the proprietor of the "Irish World." The League attacked Irish landlordism. It proposed to abolish the system which had levelled the homes of tens of thousands who had then to look for shelter and opportunities to live beyond the Atlantic. The memory of the Crowbar brigade lived in the minds of expatriated American citizens, even when freer and happier surroundings might tend to obliterate the recollection of other adjuncts to Castle rule than landlordism; and a paper like the "Irish World," ably edited by the son of an evicted Galway peasant, would be no organ of Irish-American opinion, if it did not reflect the views and sentiments which every Irish exile has held of Irish landlordism. It therefore warmly espoused the movement of the Land League; but so likewise did every other organ of Irish-American opinion, save the paper owned and edited by Jeremiah O'Donovan Rossa. The "Boston Pilot," the "Buffalo Catholic Union," the "New York Weekly Union," the "Irish-American" of New York, the "Monitor" of San Francisco, the "Daily Post" of Montreal, and other journals whose names I cannot recall, were all enthusiastically helping the League, propagating its principles and appealing to their readers for financial support to the movement as well as the "Irish World." The "Irish World" therefore, while being undoubtedly the strongest and most influential of the Irish journals supporting the League in America, was not the only one, as the "Times" has sought to make out before this tribunal.

Some extracts have been read by counsel for the "Times" from copies of the "Irish World" to prove that its policy was one of extreme violence during its advocacy of the Land League movement. I will trespass a little upon the time of the Court in reading a few more which will show that the paper deprecated assassination, and endorsed the language of those who strove to keep the organisation of the League free from the charge of illegal or unconstitutional methods. My selections, few in number, will be from papers coming in matter of date within the ruling given by your Lordship on the question of the admissibility of the "Irish World" as evidence.

In the "Irish World" of 16th April 1881, page 1, there is a long historical editorial about the Skirmishing Fund. I will only give two extracts:—

"Now some of you gentlemen over there, in the London Parliament, may pounce upon this and try to use it against Parnell and the Land League. You

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“ have already shown yourselves capable of such tricks. But Parnell and the Land League are in nowise responsible for this Skirmishing idea.”

(*The President.*) What was that idea?

(*Mr. M. Davitt.*) This is giving a history, my Lord, of the Skirmishing idea.

(*The President.*) It seemed to refer to something which had gone before.

(*Mr. M. Davitt.*) Yes, it is a long leading article, from which quotations have been read, I think, by the “Times” giving a history of the part which the “Irish World” played in this Skirmishing Fund idea, which I have partly explained to your Lordship this morning in my observations.

“ Furthermore, the ‘Irish World’ does not now advocate skirmishing. It does not advise physical warfare on any plan. The ‘Irish World’ sincerely desires ‘Peace on earth.’ War, however, may yet become necessary in the settlement of this Irish question. Almost everything depends upon England herself. May God inspire her with a sense of justice.”

Then the article goes on down two or three columns, and it winds up, I think, as follows:—

“ We had tried to keep both sides out of the newspapers; and failing in the effort, our confidence, not in the patriotism, but in the good sense, of the chiefs of the Irish movement got a chill.”

Those chiefs of the Irish movement refer, my Lord, to the Skirmishing Fund trustees, not to the Land League:—

“ And we took no further interest in, nor did we offer any more encouragement to the Skirmishing Fund.”

Another article preceding that as a matter of date, I find under the date of the 14th of August 1880, page 4. It is headed “Landlord Lies”:—

“ One of the favorite arguments of the land thieves against the Irish land agitation is that it is inciting the people to acts of violence. The changes are constantly rung on the charge with the intention of giving the world to understand that the object of the Land League is to inaugurate a reign of terror. Lord Oranmore and other ‘honourable’ and ‘right honourable’ land thieves never tire of narrating in the House of Lords stories of ‘outrages’ that they directly trace to the land agitation. They are constantly proclaiming that the bonds of society are being loosened by the doctrines propagated by the land agitators, which translated into plain English means that landlordism is in danger of being destroyed.”

“ How much foundation in fact there is for the outrage stories told by those in the landlord interest is shown by the reports of the judges charges to the grand juries that have been summoned for the business of the Summer assizes.

“ According to the Irish papers just at hand, 21 of these addresses have been delivered in 21 different places. With remarkable unanimity they bear testimony to the absence of anything like crime of any kind. This is not only a complete refutation of the charges of the land thieves, but it is also proof of the good work that is being done by the land agitators.

“ Under their instruction the Irish people are taking broader views of the causes that produce the misery that they are made the victims of. They have been taught to look beyond the landlord, and to see not in him, but in the system that upholds him, the source of all their sufferings. They have learned that to shoot a landlord is but removing one tyrant to make room for another, and that the most sensible way of proceeding is to concentrate their energies upon an effort to uproot an institution that gives one man the power of life and death over so many of his fellow creatures.”

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Well, my Lords, in this same line I will quote another article from this paper of the 11th December 1880, the same year. It is headed:—

“ Sentence of Starvation.

“ So far as deprecating assassination is concerned, that is well enough. No true Christian or friend of Ireland can afford to justify one crime by offering another. But so far from making the unnatural demise of two or three of these cruel monsters a cover for their iniquities, radical thinkers should be all the more bent upon exposing the crimes which can induce otherwise peaceable men to take upon their brows the brand of Cain.

“ It is, moreover, cowardly and unbecoming in men of culture to hold the agitators who expose these crimes responsible for the results. Garrison who, at the time of his most violent denunciations of chattel slavery, was an advocate of peace and non-resistance, always answered the charge of inciting assassination, by quietly asking slavery to bury its own dead. The old doctrine of ‘constructive treason,’ which formerly held a gag over the mouth of every reformer of England, was long since struck with death. It is doubtful whether the far more ridiculous doctrine of constructive assassination can be brought to life.”

Then, again, on the 12th of February 1881, page 4, there is an article, from which I will only read a short extract. It is headed—

“ Fenian Plots.

“ The Irish land agitators have declared over and over again that they have on quarrel with Englishmen; that, in fact, they are fighting the battle of the disinherited Englishman as well as their own, and look to the English democracy to support their Irish brothers in their struggle against landlordism. Things were getting too uncomfortable for the English landlords. They saw that the war would be soon carried into Africa.”

Which, my Lord, does not mean, as was once said in this Court, that we were carrying assistance to the Boers, it means, figuratively speaking, that we were to preach Land League doctrines here in Great Britain.

Then, my Lord, one more article and I have done for the present. In the “ Irish World ” of the 25th June, 1881, page 4, there is another article, headed “ The War in Ireland,” and I will quote from the concluding part of it:—

“ Never before in the history of Ireland was there a more sincere desire shown by the Irish people to obtain their rights by keeping within the lines of constitutional agitation than was displayed at the beginning, and all through the present agitation until the passage of the Coercion Act, when the English Government trampling under foot all forms of decency sought to stifle the voice of Ireland by methods worthy of Eastern despotism.

“ If the discussion of a purely economical question has led Ireland to the verge of civil war, the English Government has itself to blame for this.

“ Davitt, Brennan, and the other Land League leaders who are now in prison did their best to have the land agitation conducted without bloodshed or violence of any kind, and if they had been let alone they would have succeeded. But at the investigation of the landlords, Gladstone and his cabinet undertook to stifle discussion.”

Then lower down the article this sentiment appears :

“ A sort of guerilla warfare is at this moment being carried on in many parts of Ireland. Let anyone compare the present condition of affairs with that existing at the time of Davitt’s arrest, and then tell us whether landlordism has profited much by seeking to obtain its object through brute force.”

Well, my Lord, extracts similar in tone to these could be multiplied from the files of the “ Irish World ” which cover the Land League period; but I think those which I have read to your Lordships will prove that if “ Transatlantic ” could in a few

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numbers of this paper rave like a madman about the feasibility of burning London, the editor could likewise frequently repudiate the use of violence and outrage in the Land League battle of land reform.

Now, my Lords, I come to a very important part of what is called the American story, or American section. That is with reference to the support given to Land League funds by the "Irish World."

What the "Irish World" has said of Irish landlordism and English Government would never have troubled the political conscience of the "Times" had the Land League not received through the "Irish World" large sums of money. This is the head and front of Patrick Ford's offending. O'Donovan Rossa, who has written and spoken and printed a ton of journalistic dynamite against England to every ounce printed by Patrick Ford, has scarcely attracted even the attention of the "Times" during this inquiry. The reason is obvious. The landlord clients of the "Times" dreaded the principles of land reform propounded by the Land League much more than the "Times" feared for England the effect of Rossa's dynamite bombs; and if the "Irish World" had gone in all along for dynamite along with Rossa ahead of Land League principles, this Commission would have heard as little of Patrick Ford as it has of O'Donovan Rossa from the "Times."

Every species of allegation and inuendo has been used by counsel for the "Times" in regard to the transmission of funds by the "Irish World" to the Land League in Ireland. Patrick Ford has been described in "Parnellism and Crime" as the paymaster of Mr. Parnell and his party, just as if the money subscribed by his supporters among the readers of the "Irish World" was at the personal disposal of its editor. Again, it has been insinuated that the moneys transmitted by Mr. Ford came from the coffers of the Clan-na-Gael, and was contributed by that organisation for the perpetration of outrage. In all this there is naturally no word of truth, but there is manifestly the same careful resolve not to search for the true source from whence the Land League funds were derived, as there was on the part of Houston and Mr. McDonald not to inquire from whence their wretched tool Pigott got the forged letters. And the shutting of eyes in both of these instances was a deliberate act dictated for the purpose of suggesting what was false to this Commission.

I will now, with your Lordships' permission, justify these charges of mine, by explaining to your Lordships' from the pages of the "Irish World" itself, the sources from whence the moneys came which were transmitted through the editor of that paper, the origin of what I will call the "Irish World" Land League collection of funds; the reasons why more financial aid was transmitted through that channel than any of the other collecting mediums in America, to which I will add, for your Lordships' information, samples of the sentiments which influenced the readers of the "Irish World" to help the Land League in its fight with Irish landlordism.

The first money subscribed for the Land League through the "Irish World" appears recorded on page 5 of that paper of the 27th December 1879 in the following letter to the editor:—

" Land and Liberty.

" Something to Aid in the Work for it.

" N. Y. City, Decr. 19.79.

" Editor, 'Irish World.'—A few friends of Ireland's cause met Friday, Decr. 13th, at P. Donnelly's, 488, 7th Avenue, and will continue to meet at the above address every Friday evening, at 8 o'clock. Our object is to assist and encourage Mr. Parnell and his friends in the work they have undertaken, and to prove that we in America are not unmindful of their exertions in behalf of our rack-rented countrymen at home, and also to show that the "Herald" is not the truthful exponent of opinion in New York."

At that time, my Lord, the "New York Herald" was antagonistic to the Irish leaders and the Irish cause.

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“ The following subscriptions were handed in to the treasurer within a few minutes :

“ A friend	10 dollars.
“ P. Donolly	5 „
“ J. McMahon	5 „
“ J. Corrigan	1 „
“ J. W. Keagh	5 „
“ P. Ryan	5 „
“ W. Moran	2 „
“ Con. Roche	5 „
“ Peter Burke	5 „
“ J. Fogarty	5 „
“ Chas. James	2 „

—
“ 50 dollars.
—

“ William Moran, Treasurer.”

I have no knowledge of who these friends to the Irish cause were, beyond what is conveyed in this letter, but I think your Lordship will see as clearly as I do that the money was not subscribed, according to that letter, for dynamite, and that there was no mention of the Clan-na-Gael, nor reference to the insane ravings of “ Transatlantic.” “ Our object,” says the subscribers, “ is to assist and encourage Mr. Parnell and his “ friends in the work they have undertaken, and to prove that we in America are not “ unmindful of their exertions in behalf of our rack-rented countrymen at home.” These are the sentiments which have governed the action of 999 out of every 1,000 Irish American subscribers to the Land League fund, no matter what was the medium through which the aid was sent. Confidence in Mr. Parnell’s integrity of purpose, hatred born of experience or transmitted memory of landlordism, rack-renting and eviction in Ireland, these were the two mainsprings of Irish American financial aid to the Land League.

But while this letter was the foundation of the Irish World Land League fund, it was not the first effort to organise financial support for the League in America. The initial move in this purpose was made in Boston in September of 1879, as the following circular shows: the circular will be found on page 5 of the “ Irish World ” for the 4th of October 1879.

I regret, my Lords, that the circular is not included in my notes. I will look it up, and, with your Lordships’ permission, I will refer to it to-morrow. I find that in the hurry of putting my notes together, coming over from Ireland last night, I have left this circular out. However, it is not very material.

There were three chief reasons why so comparatively large an amount of money came to the League by way of the “ Irish World.” This is dealing, my Lord, with the “ Irish World ” generally. First, the paper had the largest circulation of any organ of Irish American opinion in the United States, and it was, from the outset, an advocate of the most radical settlement of the Irish land question, namely, a National or State ownership, as against an extension of individual ownership by what is called peasant proprietary. Secondly, subscribers, through the “ Irish World,” being, all but exclusively, working men and women, saw their names and donations acknowledged in the pages of the “ Irish World ” a few days after subscribing, and this formed a powerful inducement to others to do likewise; and, thirdly, when I organised the first Land League branches in a town across the American continent in 1880, I advised the members everywhere to transmit their contributions through the “ Irish World ” or the “ Boston Pilot.” I was influenced in giving this advice by two considerations, one is explained by the reasons just given why people sent their money through the “ Irish World ” newspaper, and the other was on account of an understanding come to on the matter between the Rev. Lawrance Walsh, the first treasurer of the American Land League, and myself. This understanding was arrived at between us after and in consequence of what occurred at the first Land League convention in America, that of Trainor Hall, New York, held in May of 1880, to which reference has been made in the evidence, especially during my own examination.

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At this convention—a report of which has been put in in my evidence—there was a conflict between the extreme and Conservative elements present over the creation of a Central Land League treasury in America to which one party, the party advocating this treasury idea, wanted all subscriptions in the first instance to be forwarded, and to be from thence transmitted to Ireland. The clerical and Conservative parties opposed the creation of any such treasury, on the grounds that it was not necessary, as funds could be sent by each branch direct to Ireland; and, secondly, from the fear that such a central treasury might ultimately fall under the control of extremist influence. I was anxious, then, as I have been from the very start of the Land League, not to antagonize the revolutionary parties, either in Ireland or America, as between an open hostility on the part of extremists and coercive opposition by the English Government in Ireland, the Land League would have had a precarious chance of existence. I therefore suggested a compromise on the question of a central treasury at the Trainor Hall Convention. It was this: that a central treasurer be appointed, and that he be the Rev. Lawrence Walsh, a most-respected and widely-known Catholic clergyman, of Waterbury, Connecticut. This was agreed to unanimously, and the Convention adjourned, after electing officers, myself becoming the central secretary, practically invested with all power over the infant auxiliary Land League of America. Following these proceedings, and previous to my organising tour from New York to San Francisco, Father Walsh and I agreed that whenever advice was sought for in the matter of how subscriptions were to be sent to Ireland, he would recommend their transmission through the “Boston Pilot,” while I would advise the channel of the “Irish World” and the “Pilot.” The adoption of this course by me caused John Devoy (a name which has been frequently mentioned from the beginning of this enquiry), who was an advocate of the central treasury idea, to attack me bitterly in his paper, the “Irish Nation,” afterwards, and it explains an hostility towards me by that gentleman, which lasts to the present day.

My advice to forward money through the “Irish World” was generally followed. The “Irish World” was an independent organ, neither the mouthpiece of the Extremist or Conservative elements in the Land League of America; and many thousands of people who may have had extreme views or conservative convictions on the Irish question, made the “Irish World,” for the various reasons already adduced, the medium of their contributions to the League in Ireland.

Now, my Lords, I return to the “Irish World” columns to further explain the wherefore of sending money through that paper. In the issue of the 5th February 1881, at page 4, there is an editorial article upon the subject, which explains the whole origin of the part played by the paper in the collection of Land League moneys.

“ Mr. Davitt, before his return to Ireland, left a hundred copies of a Land League constitution at the office of the ‘Irish World.’ These copies went to their destination in quick time. But calls coming in from all parts of the United States, and having no more printed documents to forward, the ‘Irish World,’ at its own risk, wrote out, printed, and distributed 5,000 copies of a constitution, with a platform of principles and instructions how to organise branches. These 5,000 little books we mailed to 5,000 different towns, and to our own readers only. The beneficial effects of that act are made manifest in the large weekly remittances sent to the Land League in Dublin.

“ Some foolish jealousy, it would seem, has been occasioned by this general recognition of the ‘Irish World.’ The following from Stenbenville, Ohio, will serve as an instance. They formed a Land League branch in that town, and the Secretary, Mr. David Hanley, in communicating an account of it adds this: ‘ The motion that the printed rules be adopted gave rise to a little unnecessary talk. As to the clause providing that the money be sent through “Irish World” office, an amendment was offered that it be sent through some other source. Lost by a decided majority. Thereupon, one member asked leave to retire. He retired.’

“ Now with regard to the transmission of moneys, it is a small matter how it goes, so long as it reaches its destination in due time. To the ‘Irish World’ the duty imposed upon it has been a labour of love. For the \$54,000 forwarded through it to the Land League, not one penny has been charged. We transmit cheaper than any national bank in the country would. Herein is one substantial

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“ element for the consideration of the jaundiced. Again, the publicity given to those who forward through this paper serves as an incitement to others who are somewhat backward in the cause. The substantial sympathy, wrapped up in hundreds of patriotic letters is calculated to stir the enthusiasm of the coldest. It says to them, ‘Go and do likewise.’ Accounts of money said to be sent through other channels are sometimes mailed to the ‘Irish World’ for acknowledgement. This, of course, we cannot do. We cannot acknowledge any money for which we can give no receipt.

“ However, let there be no jealousy in the matter. People who wish to send their remittances to the Land League through the ‘Irish World,’ have, of course, the right to do so. If any one prefers to transmit through some other medium, why, he is entitled to his opinion, or his prejudice, if you please—do not molest him—he may be a good man; and Ireland, just now, wants the combined help of all her sons.

“ Again, on the 14th May 1881, the editor throws further light upon the sources from whence the subscriptions came for the League through his journal. The international character of the donations explain the concluding portion of this leading article, though it is well known to all who have studied the writings of Patrick Ford that he advocated radical land reform in every other country, England included, as well as in Ireland. The editorial of the 14th of May 1881, proceeds:—

“ This week the ‘Irish World’s’ Land League Fund reaches over one hundred thousand dollars. Here we have an offering the most remarkable ever made to any movement. These hundred thousand dollars represent the contributions of fully a quarter of a million of people. Not a city, town, or village in this broad land but has helped to swell this munificent testimony of America’s sympathy with Ireland in her struggle against landlordism. Irishmen, and the sons of Irishmen, have not been the only contributors. Americans, Germans, Frenchmen, and even Englishmen, have sent us their dollars. No such practical manifestation of universal sympathy with Ireland was ever before seen on this side of the Atlantic.

“ There have been funds raised in this country to help Ireland to gain her independence. But the money came exclusively from the pockets of men in whose veins flowed Irish blood. Thousands of dollars have also gone at different times from these shores to save the people of Ireland from perishing during landlord created famines. This, however, was the offering of charity, and the men who gave it looked not beyond the immediate relief of distress. . . . The ‘Irish World’ in opening its columns for Land League subscriptions did so because it thought it saw in the Irish land agitation the beginning of a movement that ultimately would extend far beyond the limits of Ireland.

“ The men who have so generously responded to our appeal to sustain the Land League have done so because they too saw that Ireland had begun a skirmish that would yet develope into a world-wide battle for the restoration of their birthright to the disinherited of all nations.”

Now, my Lords, I pass from a consideration of why funds were so largely transmitted through such a channel to the character of the sentiments or reasons which influenced those who subscribed, because I think this is very important in view of the fact that the “Times” both in “Parnellism and Crime,” and I think in statements made here have endeavoured to impress upon the Court and upon the public the idea that all this money that came through the “Irish World” came from members of the Clan-na-Gael. I have already shown by reference to these articles that on the contrary the “Irish World” Land League Fund was started by men who never alluded to the Clan-na-Gael or a skirmishing fund or any revolutionary idea whatever. I have also shown in subsequent quotations that Germans in America, Frenchmen in America, and even Englishmen, sent their contributions through the “Irish World.” So that I attach, my Lord, a good deal of importance to these facts that I am endeavouring to put before the Court, with reference to the real sources from which financial

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[Continued.]

help came to the Land League in Ireland. I will only, in quoting the sentiments held by subscribers through the "Irish World," give an insignificant number, for otherwise I should be taking an unwarrantable liberty with the patience of your Lordships. I select samples of letters from the "Irish World" of January and February 1881, because that would be a mid-period between the beginning and the end of the "Irish World" support of Mr. Parnell's policy. I will add a few letters from the "Irish World" of the 27th of May 1882, as the subscribers touch upon and condemn the Phoenix Park murders.

In bringing these letters of "Irish World" subscribers under your Lordship's consideration, I am not oblivious of the fact that hundreds of instances can also be given from the same paper over these years in which subscribers gave expression to the most revengeful feeling towards England, and doubtless what have already been read of that character can be and may be added to when Sir Henry James comes to address the Court. All I am anxious to demonstrate here—to show as clearly as I possibly can—is that people in large numbers subscribed money to the Land League through the "Irish World" who were not dynamiters or advocates of violence, but men and women who, like the subscribers to the initial donation whose letter I have read were anxious to assist Mr. Parnell and his friends in efforts in behalf of rack-rented countrymen in Ireland. The letters I desire to read are very brief, and are as follows. The first is in the "Irish World" of the 15th January, 1881, page 8:

"Land League at Ridgely, Illinois. Editor, 'Irish World.' Sunday, December 26th. This League is composed thus far of men in the employ of the Springfield Iron Company. Regardless of nationality, we should send our mites to cheer the hearts and strengthen the hands of the Irish Land Reformers.

"We invite all who believe in God our Father and man our brother to join with us in rendering substantial assistance in achieving the ends of civilization—the freedom and equality of man. The enclosed amount is independent of the League's fund being raised prior to our organisation. We meet Sunday, January 2nd, to perfect organisation and arrange for stated meetings, when full list of names and money will be forwarded.

"Martin Healy, Secretary."

The next I will read is headed:—

"Christmas Offering of Pascong, R.I. Editor, 'Irish World.' Find enclosed 72 dollars contributed by the people of Pascong for the Land League Fund. We have no regular organized body in this place, but we have men with willing hearts and strong hands who are ready to assist their struggling countrymen in carrying out their principles of the Land League. We remain, Committee on Collection, J. O'Brien, C. Gafferey, T. Gordon."

The next letter is headed "139 dollars from Joliet, Illinois, working men: a place near which the distinguished spy, Beach, resided for a good while:—

"Enclosed find 139 dollars for the Land League, subscribed by working men of the Joliet Iron and Steel Rail Mill, the majority of whom are Englishmen, who are in full sympathy with the cause, and believe in equal rights and liberty to all without distinction to nationality, creed, or colour."

John F. Quinn, Thomas Haughton."

Which, my Lord, is a sentiment which reflects honour upon Englishmen in any part of the civilised world. The next letter is,—

"No compromise with the landlords. Battle Mountain, Nevada. Editor, 'Irish World.' Enclosed find 40 dollars for the Land League Fund. We are interested in the steady and sure progress they are making, and hope there will be no compromise with land robbers. Following are the names of subscribers."

The next letter is—

"From Albany, N.Y.

"Editor, 'Irish World.'—Anxious for the restoration of the people to the ownership of the soil, share and share alike, no distinction of classes, we subscribe our mite to the Land League as follows—"

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[Continued.]

Then the donations are particularized, and names given.

The next is headed—

“ German Practical Sympathy, Chicago, Ill. Editor ‘Irish World.’—Find enclosed 17 dollars subscribed to help to abolish a system which has no right to exist. Brothers in Ireland, we know what it is to see wives and little ones on the verge of the grave on account of starvation through the rascality of a few individuals that have the land monopolized, producing nothing, but consuming everything. A government should see that all its people have an honest living or make room for a better one. You have begun the battle for your own and your children’s freedom. Make Ireland a home for everybody, and shake off the chains which make it now a prison for its own sons and daughters. The following are the names of the subscribers and amount subscribed by each person.”

The money all comes from German working men.

The next letter is headed—

“ Lovers of Justice in Belleville, Ill. Editor, ‘Irish World.’—Enclosed find 45 dollars subscribed by the undersigned lovers of justice and humanity. There are few Irish here, but plenty of others willing to contribute to the glorious cause for which Parnell and his co-workers are so bravely struggling, and that is justice to industry and the downfall of tyranny. Landlordism in either Ireland, England, Scotland, or Wales is only the arms and suckers of the huge devil fish which dwells on the banks of the Thames at London, sucking the life-blood of the people of what they call Great Britain and Ireland. That God’s children may live in equality of rights and privileges the undersigned contribute their mite, forgetful of race or creed. The subjoined list contains the names of men of all nationalities of Belleville, and it is headed by a prominent American lawyer.”

The next letter is headed—

“ Watching Waterford. Post San Diego, Texas. Editor, ‘Irish World.’—Enclosed please find 48 dollars 75 cents. less cost, subscribed by the members of Company E. 8th Cavalry Regiment, for the purpose of aiding to exterminate English misrule and Irish landlordism, 25 dollars of which is for the Land League Fund. The subscribers are of different nationalities, viz., American, German, French, Hebrews, and last, but by no means least, English, to whose credit be it said, their love of freedom is predominant, and no amount of love for their ‘old land’ can counteract their dislike to the present mode of justice as administered in Ireland by the English Government.”

The next letter is from the “Irish World,” of January 22nd, 1881. It is from the same paper :—

“ 50 dollars from Akron, Ohio Land League. Editor, ‘Irish World.’—At a meeting, the 5th of the present month, a branch of the Land League was formed here, numbering 63 men, that will stand firm and assist our brothers at home, by money and advice, to attain that God-given right of every man to be the true and only owner of the land he tills. Officers are—Michael Gibbs, President. W. F. Morgan, Secretary. Michael Reilly, Treasurer.”

The next is a letter of the 22nd January, 1881, page 8, headed,—

“ God speed the Restoration.”

“ Boston Highlands, Mass. Editor ‘Irish World.’—Enclosed, three dollars for the Land League, subscribed by a few lovers of Ireland; Michael Regan, Stephen Fallon, and James Fallon, one dollar each. We wish a God speed to the movement that will restore to every honest man the inheritance that God gave him.

“ Michael Regan.”

In the same paper, on the same page, there is a letter from Joblin, Mo.—

“ To have even a little share of the merit in the overthrow of landlordism in Ireland we subscribe our mite to the Land League. John Delaney, four dollars, M. O’Regan, two, Allen Cassidy, one.”

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[Continued.]

The next letter in the same issue is headed:—

“ For the Reign of Peace. Viola. Ill. Editor ‘ Irish World ’—Enclosed are
 “ thirty-four dollars for the Land League in its efforts to establish a reign of
 “ peace and justice in Ireland through the equality and prosperity of all its
 “ workers.”

In the “ Irish World,” January 29th, 1881, page 8, there is a letter headed:—

“ Westere, R. J., Land League.—Editor ‘ Irish World ’—The Land League
 “ here numbering 160, send enclosed 90 dollars to you for the Land League in its
 “ battle with the world’s lie that might is right, and for the vindication of the
 “ Creator’s love and justice in creating the earth for man’s free and equal use.
 “ Laughlin Harty.”

Then there is another letter in the same number, on the same page, from Foulton, Missouri:—

“ Editor ‘ Irish World ’—Please find enclosed 15 dollars 25 cents. This is
 “ for the Land League in the belief that it will adhere to its present stand of
 “ ‘ the land for the people,’ and that poverty will be banished with landlordism
 “ from Ireland.”

“ Hugh Martin.”

The next letter in the same paper on the same page comes from Phenicia, New York, and reads:—

“ I collected enclosed six dollars for the Land League. Yours in the hope
 “ that there will be no compromise to landlordism, and no talk about one class
 “ above another, but that perfect equality and freedom, and, consequently,
 “ prosperity, will be Ireland’s soon.

“ Patrick Mack.”

Then in the “ Irish World ” of January 29th, the same number —

(*The President.*) Another of these documents?

(*Mr. Michael Davitt.*) Yes, my Lord, I am coming very near to the end, but I am afraid I shall not be through them before four o’clock. I am afraid I have wearied your Lordships in reading these letters, but I attach a good deal of importance to them in order to establish this fact, that working men of all nationalities wrote these letters, and sent this money, and that this money was transmitted through the “ Irish World,” when no one can suggest that from the names or from the sentiments, or from the letters, that these men were members of the Clan-na-Gael, or sympathised with the Skirmishing Fund, or any other revolutionary body in America.

“ Brooklyn Labourers’ Union, Division No. 4.

“ Brooklyn, N.Y.—Editor, ‘ Irish World.’—Enclosed find 15 dollars from the
 “ above-named division for the Land League, hoping that it may have the
 “ desired effect in helping to banish for ever from our native land that system
 “ which has robbed our brethren and ourselves of the land that God gave us.
 “ Landlords and agents, masters and serfs, must be terms no longer applicable in
 “ Ireland. The present amount is only very small, but you can rest assured that
 “ you shall soon hear from our organisation again at an early day. Yours for
 “ humanity,—

“ Owen Murray, President.

“ John Sheehan, Vice President.

“ Patrick Barrett, Rec. Sec.

“ Patrick Connery, Fin. Sec.

“ Charles Finnick, Treas.”

Then, in the “ Irish World,” February 5th, 1881, page 8, is the next. It is headed:—

“ Remember the Crowbar Brigade, Kansas City, Mo., editor ‘ Irish World ’:
 “ I send herewith five dollars to help the Land League. I hope the men of
 “ Ballyporeen and Tipperary will remember the work of the Crowbar Brigade on

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[Continued.]

“ the road from Cahir and Michaelstown, and recognise that it is their duty now
“ to protest against that wrong, and make sure that it will never occur again. I
“ know of many a family being driven out to die on the road, or in the poorhouse
“ (as numbers of them did), and their cabins, hundreds of them thrown down to
“ make room for the planting of trees, and those same trees are now a fine forest
“ for the lords of the estates’ hunting, where there might be now a happy pros-
“ perous village of honest toilers, living in quiet, plenty, and love and thankfulness
“ if the Land League had gained a footing in Ireland 50 years sooner.”

It is evidently written by a man who is not educated.

(*The President.*) He does not understand hunting, that is evident.

(*Mr. Michael Davitt.*) Probably, my Lord, he had very little experience either in Ireland or America.

Adjourned to to-morrow at 10.30.

“*Uncorrected Proof.*”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1.

Friday, 25th October 1889.

(*Mr. Davitt.*) My Lords, I may have occupied, probably, an unreasonable proportion of the time of the Court yesterday afternoon in dealing with the part which the “*Irish World*” and its editor have played, not alone in the Land League movement in America, but in previous revolutionary organisations. I did so with the view of putting before your Lordships something like a connected story, from my point of view, with reference to this part played by this paper, and its proprietor. I may have said, in speaking of Mr. Ford, something which might possibly prejudice this Court and public opinion outside these walls against me, especially with reference to the good opinion that I have expressed of a man who has undoubtedly upon many occasions written some very criminal articles with reference to the use of dynamite. But, at any cost to myself, personally or politically, I feel bound to speak of Mr. Ford, and of everyone else I have been associated with for any length of time, casually, intimately, or publicly, as I find those men.

I drew attention, before your Lordships adjourned yesterday afternoon, to certain letters that had appeared in the “*Irish World*” from 1879 down to 1881 in casual numbers of the paper, containing remittances of that paper for the Land League. I drew attention to the sentiments expressed in this paper with a view of putting before your Lordships the fact that all the money that came to the Land League through the “*Irish World*” did not come from men who were engaged in any criminal conspiracy, or what is called a criminal conspiracy in America. I did not mean, in order to draw attention to these letters, to insinuate that there were not other letters, hundreds of letters, in the “*Irish World*” during those years that contained more violent sentiments than those to which I called attention in the letters which I submitted yesterday. What we contend all along, my Lords, with reference to the money received from America, either from the “*Irish World*,” the “*Boston Pilot*,” or any other source, is this, that we appealed to all our countrymen in America, irrespective of class or social position, for assistance in the movement we were inaugurating in Ireland for the purpose of abolishing landlordism and establishing national self-government. We did not appeal, either by the public speeches which were reported, or through our writings which were published, to any particular class either at home or abroad, but to the whole Irish race, and I may maintain that whatever assistance came from America came from the Irish race, and not from any section or organisation of men exclusively engaged in particular movements. Now I will not trouble your Lordships with a continuance of the series of letters which I was reading last evening, but in passing these over I come to half a dozen very short letters of the same kind that appeared in the “*Irish World*” on the 27th May 1882, and these letters deal with the Phoenix Park assassination that had taken place a short time previously.

My Lords, I bring in this matter now with reference to that deplorable tragedy in order to get rid of the “*Irish World*,” except in so far as I may be compelled by-and-by to refer to it casually when I come to analyse the evidence. Your Lordships will probably remember that Sir Charles Russell, in the examination of Mr. Parnell, and I think of myself, read a few articles from the “*Irish World*” condemnatory of that great crime. I supplement those articles by reading these few letters from subscribers to the Land League fund—letters which appeared in the “*Irish World*” on the 27th May 1882. This letter is headed:—

“Creditable sentiments from the ladies of Lewistown, Maine. Editor, ‘*Irish World*.’—Please find enclosed 717 dollars—80 dollars monthly dues from Miss Lizzie Driscoll, treasurer of the Ladies’ Land League, and 637 dollars, the proceeds of a bazaar recently given for the cause from Miss Mary Heanue,

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“ treasurer for the bazaar, to be forwarded to you to the help of the people of
 “ Ireland who have so nobly and through many hardships and privations sustained
 “ the motto of our banner—‘No Rent.’ We were congratulating ourselves on
 “ the substantial victory achieved by the beloved advocates of our principles when
 “ the sad news reached us of the cowardly assassination of Lord Cavendish and
 “ Under-Secretary Burke. Trusting the Land League will not be compelled to share
 “ any responsibility for so unjustifiable an act, and denouncing unstintedly the
 “ same, we have the pleasure and honour of being, very truly yours, devoted
 “ to the cause, Miss Mary Heanue, President, pro tem., Miss Mary Sullivan,
 “ Secretary, Miss Mary Roche, Vice-President.”

and there are about 30 or 40 names following.

Then, my Lords, the next letter is headed—

“ The Davitts of Paterson have no sympathy with assassination. Paterson,
 “ N.J. Editor, ‘Irish World.’—Enclosed find 100 dollars—the fourth remittance
 “ of equal amounts from the Davitt branch of this city—the personal contributions
 “ of its members, unaided by outside appeal of any kind. With unwavering faith
 “ in the old cause and renewed confidence in the ability, integrity, and patriotism
 “ of our glorious triumvirate Davitt, Dillon, and Parnell, and unspeakable detesta-
 “ tion for the ghouls of assassination who would wrest from their keeping the
 “ sacred cause of our sire land, we, one and all, desire that this, our mite, should
 “ be applied in bringing to speedy justice the perpetrators of the foulest crime
 “ that has ever blackened the fair fame of Ireland. Whilst the great majority
 “ of our members are in progressive nationalism—stalwarts of the stalwarts—we
 “ abhor and denounce with all our vehemence this dastardly outrage. Davitt’s
 “ ideas are advanced enough for us. We believe in his teachings and Davis’s that
 “ ‘Freedom comes from God’s right hand and needs a godly train. For ’tis
 “ righteous men must make our land a nation once again.’—

“ J. Purcell, treasurer.”

Then, my Lords, the next letter is—

“ Resolutions of the Banner branch of West Rutland, Vermont. Editor,
 “ ‘Irish World.’—Enclosed find 25 dollars, initiation fees of 25 members,
 “ received May 7 at a special meeting called for the purpose of expressing joy
 “ at Ireland’s victory. Scarcely had we realised her glorious triumph—”

(That was with reference to the release of Mr. Parnell.)

“ when the sad news reached us that a great blow had been dealt our cause.
 “ A special meeting was therefore held on the 14th instant for the purpose of
 “ adopting resolutions denouncing the Phoenix Park tragedy. The following
 “ resolutions were unanimously adopted. ‘Whereas, in the dawn of Ireland’s
 “ ‘prosperity, and in the flush of the great victory won by the Land League, a
 “ ‘dastardly assassination has taken place by the hands of those who can be no
 “ ‘true friends of Ireland, therefore be it—Resolved, That we, the members of
 “ ‘the West Rutland branch of the Irish National Land League, denounce in
 “ ‘the most unqualified terms the authors and perpetrators of this awful deed, and
 “ ‘while abhorring assassination in all its forms, we can have no sympathy with
 “ ‘the Government whose cruel laws have been the indirect cause of this horrible
 “ ‘crime.’”

The next letter is headed—

“ Vote of Confidence from the zealous Archbishop Croke.—Ladies of Phila-
 “ delphia.—Editor, ‘Irish World.’—Please find enclosed 50 dollars from the
 “ Archbishop Croke branch (Ladies) which we desire forwarded to Miss Anna
 “ Parnell, if you please. We with our sister Leaguers deeply deplore the terrible
 “ tragedy in Phoenix Park. We feel assured it is an enemy of the Land League,
 “ and, in our opinion, it looks like the work of desperate landlords; they are old
 “ hands at murder. We have confidence still in the success of the Land League
 “ in spite of its enemies; and to-day it has proven itself the grandest, the most
 “ united, and most moral organisation that ever spread the earth.”

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[Continued.]

Then the next, my Lords, is in the same paper, the same copy, and is headed—

“A message of love and sympathy to Ireland from Newark, Ohio. Editor, ‘Irish World.’—The Newark Land League sends greeting to the ‘Irish World,’ joining heartily in the result of America’s outspoken sympathy with oppressed Ireland, recognising the fact that the recent concessions of the British Ministry, and the changed condition of public sentiment in England, is largely due to the bold and manly protests of native and adopted citizens of the United States demonstrating the fact that there is a force more potent than arms to control mankind when in accord with the enlightened civilisation of the age. Whilst we rejoice with all friends of Ireland everywhere over the prospect of relief for the oppressed tenants of Ireland, we desire to join every friend of Ireland in denouncing the dastardly act of vandalism and assassination committed on the persons of the Secretary of Ireland and his under secretary, believing it to be the cowardly act of some enemy of our cause.”

The next is headed—

“50 dollars from John Mitchell, of Lonsdale, Rhode Island. Editor ‘Irish World.’—At a regular meeting of the John Mitchell branch of the Irish National Land League it was voted to send Patrick Egan, through you, 50 dollars, which you will find enclosed. The following resolution was unanimously adopted:— ‘Resolved, That we, the members of the John Mitchell branch of the Irish National Land League, do most emphatically condemn the cowardly and cruel murder of Lord Frederick Cavendish and Thomas H. Burke; and we believe the assassins, whoever they may be, to have been actuated solely by the design to injure Ireland and Ireland’s cause.’ Wm. Burke, President, John Hanlon, Secretary. The names of contributors I will send in my next.”

Now, my Lord, such sentiments as those are not credited by the “Times” with having caused the inflow of financial help to any extent into the coffers of the Land League through the “Irish World.” The extracts read from the “Times” in this court, and published in “Parnellism and Crime,” as I remarked yesterday, would tend to lead the public to believe that all the money that came to us from America came stained with blood—came from men who had no thought, no place, no object in view except the employment of dynamite and violence against England in Ireland. According to the opening statement of the learned Attorney-General, money came in response to a special effort and a special appeal made by Mr. Parnell on the occasion of his visit to the United States in the winter of 1879–80. This money-inspiring appeal is associated with a particular speech of Mr. Parnell’s; and while I am dealing with the source from which the money came to the Land League, I think it well, in passing, to make a few observations with reference to that speech. It is known here, my Lord, and known everywhere, as the “Last Link speech” delivered by Mr. Parnell in America. This speech was delivered at a meeting in Cincinnati on the 23rd of February 1880, and it was quoted from by the Attorney-General at page 221 of the official minute. The Attorney-General was good enough to admit that Mr. Parnell had repudiated the concluding sentence of this part of the speech, in which the “last link sentiment” appears, but he marred the justice of this admission, because this was the occasion on which Mr. Parnell had dissuaded himself of the words referred to—he was practically confessing in that speech to the authenticity of these words in the very act of denying them. Apart from the unfairness of holding a public man responsible for every word which a newspaper puts into his mouth unless he has gone over and corrected the report, it is generally known in the political circles of this country that Mr. Parnell has, rightly or wrongly, concerned himself very little with what appears about him in the press. When the words alleged to have been spoken by him in Cincinnati were brought to his attention in the House of Commons and were repeated by Sir George Trevelyan, then the Chief Secretary, Mr. Parnell, gave the “last link sentiment,” quoted against him by Sir George Trevelyan, an emphatic repudiation. I believe he did the same in the witness-box here; and if I am not mistaken, he produced a copy of some Cincinnati paper giving or purporting to give a verbatim report of the speech in which this last link sentiment did not appear. For myself I certainly do not think if the words attributed to Mr. Parnell were brought home to me I would be under the necessity of repudiating the sentiments, taking them with the context of his speech.

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[Continued.]

There is no doubt, speaking for myself, that I have been working almost all my life to break the last link that binds Ireland to England under the present circumstances, and to substitute for that link the link of friendship and mutual understanding and mutual confidence; but I think it was very unfair to hold Mr. Parnell responsible for those sentiments, simply because they appeared in a particular speech, when it is manifest a safer manner of estimating what Mr. Parnell's views were would be to take all his speeches delivered in America or in the House of Commons or in Ireland, and form an opinion on them all.

Now, my Lord, not only had Mr. Parnell some few articles in the "Irish World" condemning Mr. Parnell's parliamentary policy, but when the "Times" alleges the "Irish World" was giving him and his party both its advocacy and its aid, I think it right to draw attention now to these articles in the "Irish World," in the absence of anyone speaking here for Mr. Parnell. Many—I do not know how many—of those extracts were read while Mr. Parnell was in the witness-box. I will not inflict them again on your Lordship; I will call attention to the dates so that the counsel for the "Times" can refer to the particular paper and see whether these leading articles are what we say they are. It is headed "Opposition to Mr. Parnell's Parliamentary Policy" from about September 1882 down to March 1885. The first appeared on the 5th of August 1882, and is a criticism upon Mr. Parnell for having gone back to the House of Commons after himself or some other members were suspended for some breach of the rule.

Then there is another on the same date, the 5th, headed "A Misleading Promise," and it goes on to say it will be better for the Irish people not to place faith in Parliament and in obstruction, but to depend upon themselves.

Then August 26th there is a leading article headed "The Arrears Sham," which is an attack upon Mr. Parnell for having advocated the Arrears Act which was passed in that year, and which did a good deal to clear down apprehensions of evictions in Ireland.

On the 2nd September there is an article headed "The Proposed Parliamentary Fund," and the article is strongly opposed to the creation of such a fund. It holds that the Irish people should not concern themselves financially to the extent of forming such a fund for what might be done for them in the House of Commons.

Then in the "Irish World" of the same date, September 2nd, there is another article condemning peasant proprietary.

I think I observed to your Lordship yesterday that the "Irish World" has been more favourable to my Radical views on the land question than to Mr. Parnell's comparatively Conservative view. I have always been in favour of what is known as the nationalisation of the land. Mr. Parnell is consistent from the very foundation of the Land League, favouring a peasant or an occupying proprietary. In the conference in Dublin in October in 1882, at which the Land League was founded. Mr. Parnell insisted upon the land programme, or the programme upon the land question, being a peasant proprietary, contrary to the views that I held, and a few more with me: That the only final and just settlement of the land question would be the total abolition of landlordism and the ownership and administration of the land by the State.

I may say that it is due to Mr. Parnell to observe he has been consistent all along in his advocacy of that form of settlement.

The "Irish World," on the contrary, has attacked peasant proprietaryship, and has joined in the advocacy of the nationalisation of the land.

Then there is another article on the 9th of September headed "A Dismal Failure," and it goes on to criticise the fruitless work of Mr. Parnell and his colleagues in the House of Commons, ridicules the Acts that had been passed and accepted by Mr. Parnell, declaring that these Acts would not be anything like a settlement of the agrarian difficulties of Ireland.

Then again on the 7th of October there is another article headed "The Parliament Men." It is an attack upon Mr. Justin McCarthy for a speech he made to his constituents in Longford, and it goes on to criticise the Arrears Bill, and in fact the entire work Mr. Parnell and his party were carrying on at that time in the House of Commons.

Then on October 14th there is a long leading article headed "The Folly of Parliamentary Agitation." That caption explains the article which follows.

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[Continued.]

Then there is a signed article, a long one, which I think has been read either by the plaintiff or the persons charged, headed "The Close of the Land League Fund." In this article Mr. Ford sums up what he had written previously against the parliamentary policy, and practically tells those who had been subscribing money to the "Irish World" Land League Fund, that the Land League was betrayed by the Kilmainham treaty, and that he, Patrick Ford, refused to transmit any more money through his hands to Mr. Parnell.

Then, my Lord, on the 21st of October there is another leader headed "No more Begging for Ireland."

It is an attack upon the National League which had been framed in Dublin on the 17th of that month, an account of which had been sent by cable to the American press. This leading article goes on to draw a sharp contrast between the Land League and its method and what it calls the parliamentary Conservative policy of the National League.

Then on the 21st of October there is an article headed "Ireland and the Parliamentary Programme," and it is simply a continuance of the objection which Mr. Ford had been making in previous editorials to Mr. Parnell's whole policy.

Then on the 21st of October there is an article headed "Why Subscriptions are still needed for Ireland." This is reference to some cases of destitution—I think the Arrears Act. I will just read it:—

"The Arrears Act assures the land thief of two years' rent—rent that he never would have got had the No-Rent manifesto not been withdrawn. One year's rent was from Government. But where does Government get the money? Is it not from the Irish Church fund? And what is that fund but the property of Ireland—the stolen property of the ages of faith? Half the rent then comes out of Ireland's hind pocket, and the other half must come out of the sweat of the wretched tenant; and if the wretched tenant is so utterly wretched that he cannot yield the tribute—and the 'Sun' says this is so in 50,000 cases—what then? Why then, out he goes on to the road side of the Irish exiles in America. Don't pass round the hat."

The object evidently is to dissuade the former subscribers of the "Irish World" from sending any money to Ireland for the purpose stated in the article.

Then on the 28th of October there is another leader headed "The Parliamentary Folly," and that caption explains the article.

Then on the 4th of November Mr. Ford appeared to be growing more fierce in his opposition to Mr. Parnell, and heads the editorial "The Parliamentary Swindle," and goes on in anything but complimentary language for the whole parliamentary party.

Then there is the 4th of November, the same date, a leader headed "Parliamentary Bossism," and goes on to say the parliamentary party are relying on popular sentiment in Ireland, and not giving extra Parliament workers like myself that show on the counsels of the National movement which the "Irish World" thinks we ought to have.

Then the 11th of November there is another article headed "Honesty, Poverty insulted," and this has reference to a speech made by Mr. Parnell at the conference which called the National League into existence.

In that speech Mr. Parnell, I think erroneously, possibly from imperfect information, said that most of the money that came from the Land League came from the wealthiest class in America. That, my Lord, is not my experience. From more intimate intercourse with the Irish in America than Mr. Parnell, I believe I have said so over and over again that the vast—by a long way the largest—proportion of the fund sent to the Land League from America came from Irish working men.

It is quite true that wealthy Irishmen of New York and wealthy merchants in Chicago and San Francisco and other States did send subscriptions, but eight-tenths of the money came from America from the working class of our race.

The "Irish World," in this article, takes exception to Mr. Parnell's statement, but evidently relied upon the information given him by someone who is not in a position to speak accurately upon this question.

Then, in the "Irish World" of the 11th of November, there is an article headed "Evading the Issue," and it is of the same tenor; and on the 11th of November there is one headed "The Parliamentary Farce," which, of course, explained itself. The

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same date there is another article with reference to Mr. Parnell's statement in Dublin, "Who Furnished the Money?" Then on the same date there is an editorial headed "The Latest Parliamentary Treaty," and that explains itself.

On the 18th of November there is an article criticising the new programme of the National League, and that is condemned, and impliedly Mr. Parnell is also condemned by the writer for having drawn up such a programme.

Then on the 30th of December of the same year there is an article criticising a speech of Mr. Parnell's that had been delivered in Cork, and which, according to the "Irish World," was of a retrograde and conservative character.

Then on the 13th of January 1883 there is an article headed "Is Home Rule within the Range of Practical Politics?" and the writer goes on to reason that it is not simply because it is worked for by Mr. Parnell, or is proposed to be worked for by Mr. Parnell, by purely parliamentary methods.

Then on the 27th of January there is an article headed "Buying Irish Loyalty with Peasant Proprietary;" and this is an attack upon both the Irish parliamentary party and English parties who proposed such a solution of the Irish land question.

On the 3rd of February there is an article headed "The Situation in Ireland," and it is condemnatory of Mr. Parnell for having while in the neighbourhood of Kilmainham withdrawn the No-Rent manifesto, and having fallen back upon what is called his retrograde policy.

Then on the 3rd of February there is a somewhat personal article, headed "Conspiracy against Michael Davitt," which goes on to say that the Irish parliamentary party, from its leader downwards, had made up their minds to get rid of me altogether out of Irish politics, which I think was unjust to Mr. Parnell and his colleagues.

Then on the 10th of February there is another article headed "Cause and Effect," and it is of the same kind: a hostile criticism of the policy of the National League and Mr. Parnell at the time.

Then on the 24th of February there is an article headed "Will Ireland be again Misled by the Parliamentary Policy?" and that is a strong denunciation of such policy.

Then on the 10th of March there is an article headed "The Policy of Independence," and it goes on to contrast the sentiments of Washington and the Declaration of Independence with those enunciated by Mr. Parnell and his colleagues. The comparison of course is made detrimental to the Irish leader.

Then on the 24th of March there is an article from which I will, with your Lordship's permission, quote. It is headed "Parnell's Reply to Forster." These sentences occur in it:—

"Mr. Parnell had something to say about the 'Irish World.' In reply to Mr. Forster, whose object it was to put a questionable face on the Irish movement, it was right and proper in Mr. Parnell to say that the 'Irish World' was not the official organ of the Land League. We ourselves denied that it was over and over again. The 'Irish World' is not, and never has been, the official organ of any party. It was an advocate of the Land League, not its mouthpiece. Our declaration of principles could not bind the Land League, and it is as unfair as it is disingenuous to try and make that organisation responsible for a policy which, as a matter of fact, it never adopted."

I think, my Lord, that article sums up exactly the position that the "Irish World" and Patrick Ford have taken in the Land League movement—a position which I was endeavouring to explain to your Lordships yesterday. There is no doubt that the paper wielded a powerful influence in America, and that it exerted that influence for a time in order to give to the Land League in Ireland all the support it could. But it so wrote and acted on its own account from an independent point of view, and not on account of its being in any sense the official mouthpiece or organ either of the Land League in America or the Land League in Ireland.

Well, on the 14th April 1883, my Lord, there is an article headed the "Philadelphia Convention," and as this convention has played a conspicuous part in the learned Attorney-General's opening statement and is referred to in more places than one in "Parnellism and Crime," I think it well to read this short extract from that one article giving the view of the "Irish World" at that time upon the platform and policy adopted at this Philadelphia Convention.

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“ Any representative meeting of Irish Americans which undertakes to voice this opinion has a most important duty to discharge.”

Evidently this was written before the Convention had declared its policy.

“ It is, therefore, to be earnestly desired that the delegates to the Philadelphia Convention will weigh well the mighty issues they will be called upon to consider. One thing can be safely presumed, and that is that every delegate will go to Philadelphia desiring to do all he can to help Ireland in the way that may seem best to him. There will probably be at the convention some advocates of parliamentary agitation. They, of course, will have a right to make such defence of their views as they can. We, however, sincerely hope that the convention will not fail to see the absurdity of asking Irish Americans to pin their faith to a programme which can never be carried out until it has the approval of a majority of an alien Legislature.”

Then on the 28th April there is a leading article headed “ Is Constitutional Agitation the only Way of Helping Ireland ?” and the writer goes on to reason that it is not: that it is a most inefficient way and can result in no permanent good to the country.

Then on the 12th May there is an article headed “ The Convention,” which evidently deals with the programme which had been put forth by the Philadelphia Convention between this and the preceding article, and I will quote from the leader upon it.

“ Conventions rarely, if ever, express the real sentiments of the people, for almost of necessity the manipulation of large bodies of men falls into the hands of a few who, clever in their peculiar ways of organising and controlling, are not infrequently more bent on having things run smoothly than in getting at the true voice of the constituencies, and the true voice of the Irish people to-day is, we believe, that any and every means are legitimate against the horrible system that England has instituted to enslave the masses over which she holds sway.

“ It is simply a question of judiciousness, not of morality, even with those who are not so outspoken as to the methods of force to be employed. We say force advisedly, for long ago every thinking man gave up the hope of gaining the smallest modicum of Irish rights from England except by wringing them from her in some forcible manner.”

Then, on the 9th of June, there is a leading article headed “ The Exodus,” and as the quotation here is only three lines in length, I will read it.

“ They foolishly gave up their hard-won earnings to the land robbers in obedience to the modern teachings of the Land League, and thereby left themselves no alternative but the workhouse or the emigrant ship.”

Then there is another leader on the 16th June, headed “ He paused for a Reply,” which is a criticism upon parliamentary tactics and a condemnation of a parliamentary policy.

On the 23rd June there is a leader headed “ The Future of the Irish Question,” and it goes on to attack the men—weak men it calls them—who had been in the Land League, and who turned what was the Land League into the conservative National League, which was established in Ireland on the 17th October 1882.

Then on the 30th June there is another article headed “ The Latest Prop of Landlordism.” This is again an attack upon peasant proprietary as advocated by Mr. Parnell and his party.

On the 21st July there is a long leader headed “ A Lie and a Fraud,” which seems to be a comment upon the working of Mr. Gladstone’s Land Act of 1881 up to that period. The editor declares that the expectations based upon the character of the Land Act had not been fulfilled, and that in reality it and the policy which supported it were doing no good whatever to the tenant farmers of Ireland.

Then on the 11th August there is another leader headed “ The No-Rent Policy Vindicated.” This refers to a possible revival in Ireland of the No-Rent manifesto and the policy which it laid down.

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Then on the 18th of August there is an article on "The Irish Labourers." It says:—

"Mr. Parnell made a public pledge that if the tenant-farmers did not attend to the just claim of the labourers that he himself would take their case in hand * * * ."

"Men with ideas and men with a knowledge of what is best for themselves must first of all be true to their principles and to themselves. Had the leaders of the Labour League recognised this, and held strictly to their platform as the bone and sinew of Ireland, they would have forced forward the recognition that they, as Irishmen, had interests in the soil and resources of their country second to no others, and taking up the agitation where the Land League left off, they would have placed the Irish movement upon the most substantial footing, and been better off to-day."

That, of course, implies that the labourers did wrong in following Mr. Parnell's advice and joining with the tenant-farmers in support of Mr. Parnell's national policy.

Then on the 1st of September there is another article headed "The Parliamentary Policy Doomed to Defeat," and it goes on to say that it is a humiliating spectacle for the Irish race to witness Irish representatives with Mr. Parnell begging concessions from an English Legislature.

Then on the 29th September 1883 there is an article headed "The Cost of Surrendering—No Rents." This also is an attack upon Mr. Parnell for having abandoned the No-Rent manifesto.

On the 6th of October there is an article headed "The Most Practical Way of Fighting England," and this is again supporting the policy of physical force, as against Mr. Parnell's policy of constitutional action.

On the 13th of October there is another editorial headed "The Old Spirit not Dead in Ireland," and this has reference to some news from Ireland.

"Spasmodic bursts such as those announced in our Irish exchanges from day to day are like so many sparks from the crater of a volcano. They indicate the intense commotion beneath the surface, and apparently only await necessary physical conditions, when they may come forth like lava, dealing destruction to all that may impede their progress."

Evidently, that is again an attack upon Mr. Parnell's policy.

Then, on the 20th of October, there is another, headed, "Ireland must be Quiet," and this has reference to a meeting of Nationalists which was announced to be held at Ennis, and at which Mr. Kenny, M.P. for Ennis; Mr. William O'Brien, M.P. for Mallow; and Mr. Biggar, M.P. for Cavan, were announced to speak, and this meeting was prohibited by the authorities. Therefore it argues that a policy which depends upon meetings advocating the programme of the National League and Parliamentary action, can do no good whatever for Ireland.

Then, on the 10th of November 1883, there is an article headed "The Home Rule Delusion." Doubtless, at that time, Mr. Ford believed what many others in this country believed with reference to that part of the Irish programme.

On the 8th of December there is another leader called "Ireland's Evacuation Day—when?" the writer goes on to say—

"The practical question now, for us of the Irish race, to answer, is—Is it possible for Ireland ever to celebrate the evacuation of the British from her soil? Yes, it is possible. Not only is it possible, but it is practicable too, and that at a not very distant future, if Irishmen will but avail themselves of such means as God has put within their reach. The first hopeful sign is the recognition of common-sense ideas, and in this direction the Irish mind is now looking."

That is again of course deprecating the peaceful policy which Mr. Parnell was then carrying out.

On the 22nd of December there is another leader headed "Driving Out the Enemy." It is of the same character.

On the 26th of January 1884, there is a long leader, headed "England and Moral Suasion." This is again a criticism of the folly of appealing to an English

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Parliament, by purely moral force means, for any redress for Irish national and social wrongs.

On the 1st of March there is an article headed, "Toleration among Irishmen," which explains itself."

On the 29th of March there is an article on "Ireland and the Increased Franchise." It is not a friendly article towards Mr. Parnell.

On the 12th of April there is one headed "Who shall Save Ireland?" This is a signed article; the name of Patrick Ford is at the bottom of it, and it is an attack upon Mr. Parnell's policy.

On the 26th of April there is an editorial headed "How Irish M.P.'s are Gagged." This evidently refers to the suspension of some members in the House of Commons, and upon that fact the editor bases the argument that it is folly to send representatives from Ireland to be treated in that way in the English House of Commons.

Then on the 10th of May there is another article of the same kind headed "The Home Rule Delusion."

On the 24th of May there is an article, and the following sentiment appears in it. It is headed "A Candid Avowal." "Irishman might well despair for the national cause if there were no programme before them but that of the parliamentarians."

On the 31st May there is another leader headed "An Instructive Parliamentary Incident." This again refers to some suspension of the privileges of the members of Parliament in the House of Commons.

On the 23rd of August there is an article headed "Attacking Davitt," which again imputes to the parliamentary party the intention of driving me out of Irish politics.

On the 20th of September there is another leader headed "Gladstone's Suggestive Confession," and I will quote one sentence from it—

"Parliamentarians profess to believe that by constitutional agitation England can be brought to concede justice to Ireland. Not only do they preach this doctrine, but of late years they have shown a disposition to muzzle every Irishman who does not believe as they do."

On the 6th of December there is a leader headed "Proposed Reduction in the Number of Irish M.P.s," and I think the views set forth in that leading article are held by many parliamentary opponents of the Irish members in the House of Commons. They, like Mr. Ford, believe that there are too many Irish members in that assembly.

Now on the 7th of March 1885, there is an article headed "What the Expulsion of Mr. O'Brien teaches." Evidently Mr. William O'Brien had about that time been expelled the House of Commons for some breach of the rules, and the writer of this article goes on to point the moral and tell its readers that no good can come from Nazareth.

Now I have referred thus casually to those articles, my Lord, in justice to Mr. Parnell, who is not represented here, and I am sure that the articles, as I have explained them, or as they appear fully in the paper, will have your Lordship's just and careful attention.

Now with reference to the "Irish World," my Lord, I have shown that in 1876, it started this Skirmishing Fund, and advocated, with Rossa and others, a policy of violence; that Augustine Ford, brother of Patrick Ford, became secretary of that fund, but resigned the position in 1878. (I cannot give the exact date, but I think it was in 1878.) I have shown that in 1879, when the land agitation began in Ireland, the "Irish World" gave it a warm support, and that from the end of 1879—that is, from the visit paid to America by Messrs. Parnell and Dillon at Christmas, 1879—the "Irish World," excepting an occasional raving from "Transatlantic," though it did not specifically repudiate its former advocacy of violent methods, denounced those of its former associates in such methods who attacked the Land League. I believe during the latter portion of 1879, while the "Irish World" was supporting the land agitation in Ireland, it continued to publish in one of its columns "Maxims for Skirmishers." They belonged to the Skirmishing Fund policy period, and had evidently, either intentionally or accidentally (I cannot say which—probably intentionally) remained in the "Irish World," I think during 1879. Whether they were continued in 1880 I do not know, but I think not. I think early in 1880 they disappeared from the columns of the "Irish World." I have shown that this paper

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opened its columns for subscriptions to the Land League in 1879, in a letter which I read to your Lordships yesterday, and I have read from more than one of the "Irish World" editorials the reasons which induced it to make this appeal to its readers, and to initiate this Land League Fund. I have read to your Lordships letters from subscribers showing that the money came to the "Irish World" for the Land League from all quarters of America, and from all nationalities, Englishmen included. I did not, nor do I attempt to, prove that hundreds of other letters were not to be found in the paper from men expressing sentiments the opposite of those I have read from the letters quoted yesterday and to-day. My object was to point out that Irishmen in America, irrespective of political opinion, and people who were not Irish at all, sent aid to the Land League through the "Irish World," because it published their subscriptions and names, and supported the Land League against the system which carried out evictions and upheld class ownership of land.

I have also shown that in its support of the Land League the "Irish World" was acting independently, and did not claim to be either the organ of the revolutionary party or the Land League; and finally I have called attention to numerous articles in the paper from August 1882 to 1885, in which Mr. Parnell and his policy were expressly condemned by its editor.

What amount of legal guilt, if any, there is on the part of the persons charged, in having been the leaders or members of an organisation which received money from such a source as the "Irish World," I do not know, not being a lawyer, but I will assume that it would be as unjust and as unfair to hold Mr. Parnell responsible for the sentiments of the "Irish World" because the "Irish World" sent money, subscribed by all kinds and conditions of men, to the Land League, as to charge the Chancellor of the Exchequer with being a Home Ruler because he receives direct and indirect taxes from millions of people in these three countries who believe in and advocate Home Rule.

Now, my Lord, I come to the third count of the special indictment against myself, namely, bringing about the alleged alliance between the so-called party of violence in America and Mr. Parnell's party on this side of the Atlantic. This charge in the language of the "Times" alleges that he—that is meaning myself—was in close and intimate association with the party of violence in America, and was mainly instrumental in bringing about the alliance between that party and the Parnellite and Home Rule party in Ireland. My Lords, if in my reply to this, the most sweeping of the charges made against me by the accusers in this case, I selected it only to take note of the evidence brought forward to substantiate this charge, there would be no necessity for me to waste one moment more of your Lordships' time. There has absolutely been no evidence whatever placed before the Court to make good this charge. The testimony of the spy Beach is the only direct evidence which has attempted to associate me with men and parties alleged to be criminal in America, and this testimony amounts to this—that Beach saw me on one occasion in 1878 at a railway dépôt in Chicago with one Colonel Clingen, and that on a subsequent visit to America I attended some meetings. Colonel Clingen was sworn by Beach to be a member of the Clan-na-Gael, and the meetings referred to by him were not sworn by him to be of any particular kind, private or public, revolutionary or Conservative. This is the whole of the direct proof laid before your Lordships by the "Times" to convince the Court that I did what the third charge in the special indictment accuses me with having done. But in reference to the second or more important part of that charge, namely, the bringing about of the alleged alliance between the alleged party of violence in America and Mr. Parnell's party in Ireland, the evidence of the "Times" principal witness is at variance with its accusations against me. Beach, at page 2510 of the evidence, swears that what he calls the true alliance—an alliance which Mr. Parnell and myself have both on oath denied the complete existence of—dated from his alleged interview with Mr. Parnell in the House of Commons, which interview occurred 18 months after the League was formed in Ireland, a year subsequent to its organisation in America, and at a time when I was carefully and closely confined in Portland prison. The secondary or indirect evidence in support of this third charge against me is founded upon extracts that have been read from the pages of the "Dublin Nation" and the New York "Irish World;" a kind of evidence one unskilled in law may be pardoned for calling makeshift testimony, and which might be produced with some reason against me if I were

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the editor or proprietor of either of these papers. But as I am neither one nor the other, the relevancy of such testimony ought to have no appreciable legal value. And again may I ask my Lords, in this connexion—that is with reference to this alleged alliance—if the “Times” believe me to have accomplished this compact, if it had in its possession, or hoped to obtain knowledge of the necessary facts to prove this allegation, why did it omit to proceed against me in the first instance before your Lordships. Why did it wait until I challenged it here in this Court to make good the charges that had been preferred against me in *O'Donnell v. Walter* and in “Parnellism and Crime.” May I not fairly infer again, my Lords, that its reason for not including me among those sought to be incriminated when this tribunal began its investigation, was because it possessed nothing but the gleanings of newspapers seven or eight years old upon which to build its fabric of accusation. At page 107 of the evidence, the learned Attorney-General, in his opening statement, said:—

“ In fact, the only references that are made to Davitt in “Parnellism and Crime” are as to his connexion with Fenianism a long time before, and beyond a few speeches, to which I have referred, in which he undoubtedly advocated the entire separation of Ireland from England, I am not aware that Mr. Davitt did take any active part in the organisation of Land League meetings.”

This, my Lords, was said in this court in my presence, and, as I have already remarked, such an admission is a significant comment upon the charges levelled against me the following day, when I demanded an investigation into the charges made against me elsewhere.

At page 138 of *O'Donnell v. Walter*, the Attorney-General charged me with being “in trade and traffic with avowed dynamiters and known contrivers of murder.” And again, at page 155 of same, the learned Attorney again says: “There are hundreds, nay, thousands, of most distinct and direct attacks made upon Davitt and others, not one of whom have brought actions against the ‘Times.’” And these words are again, in their turn, an instructive comment on what the Attorney-General said, at page 107 of the evidence given in this court.

I have said that no reply is needed from me in the matter of the direct testimony offered by the “Times” in support of this charge; but, as the “Times” has proceeded from beginning to end in this inquiry by insinuation and inuendo rather than by a direct and manly method of indictment, it is incumbent upon me to take cognisance of and reply to what has been covertly alleged rather than what has been sought to be proved against me from papers and from direct testimony.

The evidence which I gave on oath before your Lordships gives the lie direct to this charge. I have given in some detail an account of my first and subsequent visits to America, when I discussed my new policy for Ireland with, and what was the extent of my intercourse with men who have been liberally accused, but who have not been proved by any testimony whatever of having been advocates of crime or violence at the time when such intercourse took place. I have, likewise, solemnly testified on oath that no alliance, direct or indirect, was brought about by my agency or consent or knowledge between any party in America and Mr. Parnell's party in Ireland, and I again reiterate this statement. What has induced the “Times,” knowingly, to be misled in this matter, was the despatch sent in October 1879 by John Devoy to Mr. Parnell proposing a co-operation between advanced Nationalists in America and Parliamentarians in Ireland. This despatch has been read and referred to more than once in these proceedings, I think, by the Attorney-General.

Now, in addition to that, the Attorney-General has read extracts from a letter of mine to the “New York Tablet,” dated the 21st of May 1884, in which letter—written, I may remark, three years before the appearance of the “Parnellism and Crime” libels in the “Times”—I gave a categorical denial to statements made by Mr. Alexander Sullivan, of Chicago, which claimed for Mr. John Devoy and other Nationalists in New York the credit of having, in conjunction with me, started the Land League organisation in America.

As it is of importance to make this point as clear as possible to your Lordships, I may be pardoned for reading a couple of extracts from this letter, though I think the whole of the letter is somewhere upon the minutes, after which I will go into some

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necessary detail regarding this portion of the "Times'" case against me. This letter of mine is dated the 21st of May 1884, and was written from Ballybrack, Ireland.

"To the Editor of the 'New York Tablet.'—Dear Sir,—Your issue of the 4th of this month contains what appears to be an official communication from Mr. Alexander Sullivan, and as the able president of the National League of America connects my name with some statements which are calculated to mislead your readers on certain points relating to the origin of the Land League and the principle upon which it was founded, I will thank you to allow me to correct the errors which want of fuller information has led Mr. Sullivan into regarding the subjects he has thus written upon.

"Mr. Sullivan says that (1st) 'The Land League was of American origin.' (2nd.) 'Its platform was drawn in the city of New York by Irish Nationalists residing in America, of whom the best known is Mr. John Devoy, in consultation with Mr. Michael Davitt on his first visit to the United States in 1878.' (3rd.) 'The first plank of the platform was a declaration for self-government.' (4th.) 'The second advocated peasant proprietary.' (5th.) 'After the platform drawn up in New York had been thoroughly discussed by the Irish parliamentary party, it was agreed to try them.'"

This is a continuation of what Mr. Sullivan asserted.

"(6th.) 'In all his speeches in Ireland prior to the foundation of the Land League, and subsequent to its foundation and preceding his arrest, Mr. Davitt advocated peasant proprietary as the only mode of settling the land question satisfactorily to the Irish people.'

Then I go on.

"Most of these statements are contrary to facts, and the remainder are either totally or partially inaccurate; while they are all, I am sure, advanced with no intention of misinforming the opinion of your readers.

"1st. The Land League was not of American, but of Mayo, origin; as no such name or organisation was heard of previous to the holding of a county conference in Castlebar. 16th August 1879, at which 'The National Land League of Mayo' was established, and a declaration of principles and a policy of agitation proclaimed, upon which the subsequent National Land League of Ireland was modelled.

"2nd. The platform of the Land League, from which Mr. Sullivan quotes, was not drawn in the City of New York by Irish Nationalists, but in the Imperial Hotel, Dublin, on the 21st of October 1879, by Messrs. Parnell, Egan, Brennan, Kettle, and your humble servant, or, more correctly speaking, by two of these in consultation with the rest.

"3rd. The first plank of this platform was not a declaration for self-government, nor was there any allusion to or demand for self-government in the platform of the Land League as adopted at the initial meeting in the Imperial Hotel in October 1879, but from which Mr. Sullivan quotes, correctly, in reference to a plank which was adopted thereat, namely, peasant proprietary.

"5th. 'The platform' to which Mr. Sullivan alludes, and to which I shall refer by-and-by, as having been drawn up in New York, sent to the Irish parliamentary party, thoroughly discussed, and then adopted by them, was not sent to such party, for the best of reasons: such party did not come into existence until after the general election of 1880, when Mr. Parnell superseded Mr. Shaw as leader, and from which event the history of what is now known as the Irish parliamentary party commenced, while the transactions about the real nature of which Mr. Sullivan is somewhat confused took place in 1878. The resolutions drawn up in New York, I believe in the fall of 1878, with which Mr. Sullivan confounds the platform of the Land League as adopted in Dublin in 1879, were cabled by Mr. John Devoy to a third party here in Ireland in the name of himself and other well-known Nationalists in New York, with, I believe, the request to lay them before Mr. Parnell. This intermediate Nationalist dissented from the proposals contained in these resolutions, which subsequently became known as 'the new departure,' but had them forwarded to Mr. Parnell."

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I stated that in the letter, my Lord, and I think it is right to read it. I was under the impression at the time (my memory had played me false) that these resolutions had been sent by the late Mr. Kickham to Mr. Parnell. I learned from references to friends who were present when I had a conversation with Mr. Kickham after coming back from America in, I think, 1880, Mr. Kickham then told me he had not forwarded the cablegram to Mr. Parnell at all. I then referred to Mr. Parnell. He told me he never received it; however, I stated this in my letter, and evidently I must have been misinformed. The letter goes on to matters not very material; anyhow, the whole of the matter is on the minute, and I will only read this next paragraph, because it deals with those propositions referred to in Mr. Sullivan's letter, which, he says, John Devoy sent to Mr. Parnell, and which, he says, Mr. Parnell on his part discussed and accepted.

"I promised, at the commencement of this letter, to refer again to what
 " Mr. Sullivan erroneously terms 'the platform of the Land League,' namely,
 " the resolutions that were cabled from New York some time in 1878, to a third
 " party in Ireland, for the consideration of Mr. Parnell. I have already fully
 " shown that these resolutions were not the platform of the Land League, either
 " as initiated in Castlebar in August, or organised at the conference in the
 " Imperial Hotel, Dublin, in October 1879. What, then, were they? They
 " represented the praiseworthy efforts of those responsible for what became known
 " as the 'New Departure,' which efforts sought a basis of union between the
 " advanced Nationalist and advanced Constitutionalist parties in Ireland.

"As I have already remarked, those proposals were not discussed by any
 " parliamentary party, neither were they replied to by Mr. Parnell, while they
 " were utterly repudiated by the leaders of the advanced Nationalist party here in
 " Ireland, who subsequently expelled me from their organisation for my share in
 " the aforesaid 'New Departure,' and my alliance with the Constitutionals in
 " the Land League movement."

This letter, as I have told your Lordships, was written in May 1884, long before the appearance of "Parnellism and Crime." I may once again be allowed to remark, my Lords, that not alone in this letter, which was written in 1884, but in an interview with the reporter of the "New York Herald," which has more than once been referred to in this case, an interview which took place in July 1882, I gave substantially the same account of the origin of the Land League movement as I have given in that letter from which I am now quoting. And in that interview in 1882, here is what I said. I am only giving two very brief quotations, but they are the material matter in the interview so far as this inquiry is concerned. I said:—

"I made up my mind that the only issue upon which Home Rulers,
 " Nationalists, Obstructionists, and each and every shade of opinion existing in
 " Ireland, could be united, was the land question. I at first proposed my plan to
 " leaders of the Nationalists."

I told your Lordship how in my evidence, both in Paris and elsewhere, and how I was repudiated and ultimately expelled, in 1880, for the part I had taken against their wishes and their opinions in the open or constitutional movement. I go on to say:—

"I at first proposed my plan to leaders of the Nationalists when a short time
 " out of prison, but they refused to have anything to do with constitutional
 " agitation."

Again, in the same interview, I said:—

"If the weak have a just cause they can, by presenting its claims to
 " recognition, force the strong to grant them justice. They can do this purely
 " as the result of public opinion; in other words, by influencing the party of the
 " strong in their favour by winning public opinion on their side. Now, it must
 " be perfectly apparent to everyone that if you wish to reach public opinion you
 " must do everything openly. The converse of this would be so absurd that it is
 " scarcely worth discussing."

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“ A secret society then makes the use of the only weapon of the weak, if not impossible, exceedingly difficult. I therefore resolved that my new plan in connexion with Ireland should not be placed for operation in the hands of any secret society, though I was willing, if the Nationalists chose to adopt it as a new departure, to let them inaugurate it. They refused, however.”

So much, my Lords, is sought to be proved against Mr. Parnell by the “Times” from what I proposed by way of a policy for Ireland on the occasion of my first visit to America in 1878; and such inferences, detrimental to Mr. Parnell and his party, have been drawn by the accusers from what they call my intimate association with members of the alleged “party of violence” in the United States, that I must crave your Lordships’ permission to relate more consecutively than I was able to do in the witness-box, whom I met, what I proposed, and what came of these efforts of mine, during that visit to America after my release from prison in 1878.

I had no mission whatever from any person or party when I left Ireland for America. That I have stated on oath in the witness-box. Mr. Parnell knew nothing of my going, and was not consulted by me in any way with reference to my journey. I went to the United States to see my family after my imprisonment, and to see and understand Irish-America. I had a well-defined purpose in my mind, which made a journey across the Atlantic more than a mere incident, but this purpose rendered it unnecessary for me to consult with Mr. Parnell or anybody else. The first person, and the only one, on whom I called in New York, was Mr. James O’Kelly, now a member for Roscommon, a gentleman who has been before your Lordships in the witness-box, who is one of the parties here charged. I had known Mr. O’Kelly in former years, and he was the only person in New York who knew me personally. He was then on the editorial staff of the “New York Herald.” So was Mr. John Devoy. Mr. O’Kelly introduced us in the editorial department of the “New York Herald.” I had never met Mr. Devoy previously; but, on one occasion, when trying to kill the monotony of separate confinement in a convict cell in Millbank Prison, I found the name of “John Devoy” scratched on the back of my cell door. He had preceded me along the dreary path of penal servitude. On the day following my arrival in New York I travelled to Philadelphia to visit the only home I then had—that of my mother. Mr. Devoy journeyed with me to the same city and introduced me to Dr. William Carroll. Dr. Carroll was at that time, and is now, a gentleman of the highest respectability, eminent in his profession of medicine, a man of conspicuous intellectual attainments, of culture, and of refinement; a gentleman who in any civilised country would be written down as one of Nature’s noblemen. He was the son of an Ulster Presbyterian, and rightly gloried in the fact that his ancestors, evicted by landlordism from Donegal, had paid England back blow for blow in the war of American independence.

About a fortnight after my arrival in Philadelphia I was invited by a committee, of which Dr. Carroll was chairman, to deliver a lecture in that city. I consented, and at the appointed time and place addressed an American audience for the first time. I regret that no report of this speech appeared in any paper. I was not at the time considered of even sufficient importance to get a paragraph in the daily press of Philadelphia, but there was some reference made to this meeting in the “Irish World.” I cannot exactly give your Lordships the date now, but I will endeavour to give it to Sir Henry James between this and Tuesday. The speech dealt with the then political situation in Ireland from my standpoint, and in that speech of the subsequent 20 or more speeches delivered by me in America before returning to Ireland I dealt with the land question of Ireland and advanced very radical views of settlement, calling for at the same time as an indispensable condition of effecting such settlement united action on the part of the Irish race at home and abroad. On the occasion of the delivering of one of these speeches at a meeting in the Park Theatre, Brooklyn, a meeting which I think, my Lord, has been referred to by the Attorney-General in his opening statement, Mr. Patrick Ford and I met for the first time. He was one of my audience, and when the proceedings were over, we were introduced. Mr. John Devoy was one of the speakers at this meeting, and what he said on the occasion has, I think, been referred to or quoted from by counsel for the “Times.” My own speech on this, as on previous occasions, when I was not reported at all, was not more than one-fifth reported, and this was manifestly a longhand and not a stenographic report.

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It was, I think, shortly before this Brooklyn meeting that the celebrated despatch from New York was cabled to Mr. Charles J. Kickham to be laid before Mr. Parnell. Its author was Mr. John Devoy.

Now, my Lords, the sending of this despatch by Mr. John Devoy to Mr. Parnell in the name of some other revolutionists in New York city appears to be the foundation of the charge made against me of having brought about an alleged alliance between what has been called the party of violence in America and the Parnellite party in Ireland. To substantiate this charge the "Times" would have to prove directly or indirectly three things. 1st. That I was a party to the sending of the proposals. 2nd. That Mr. Parnell received them; and 3rd, that the alliance proposed by Devoy was accepted and ratified by Mr. Parnell. But what are the facts? I was not only not a consenting party to these proposals—I was a thousand miles from New York when they were cabled—I had no knowledge whatever that any such message was contemplated, and when I learned from the papers of what had been done, I protested strongly to Devoy against so unwarranted a proceeding. This I have already said on oath, and I again repeat it.

Now, as regards Mr. Parnell's alleged share in this proposed alliance. Mr. Kickham, to whom it was sent in the first instance, objected, as a consistent revolutionist, to any such alliance with a party to whose principles he was honestly hostile, and remained hostile until his death; and he apparently declined to transmit Devoy's cable offer to Mr. Parnell. Mr. Kickham repeated these objections to me on my return from America.

It will be clearly seen therefore, my Lords, that in respect to each and all of the three essential conditions to the formation of the alleged alliance, the "Times" could not possibly prove what had never occurred, and it has therefore neither directly nor indirectly established any facts to substantiate this third special charge against me. A circumstance which would be preliminary to such an alliance, if it was really made, did take place. John Devoy did make a proposal; but beyond this fact nothing was done to warrant the inference which the accusers in this inquiry draws from this circumstance, and the allegation which is born of their inference therefore falls to the ground.

The next event in this 1878 American tour of mine which could lend colour to the alliance allegation was the delivery of a speech by me in Boston on the 8th December of that year, and immediately preceding my departure for Ireland. This speech was, in fact, the same in which I had previously, and in other cities, propounded my policy for a new movement in Ireland, in which the social or land and national questions should form a joint programme of reform to appeal for support to the whole Irish race.

The speech was fully reported on this occasion, because I handed the manuscript to the editor of the "Boston Pilot," but as it is of inordinate length, and is neither conspicuously wise nor profound, I will not inflict the whole of it upon the Court. I will only read parts; but the whole of the speech can be found by Sir Henry James in Cashman's book, if he wishes to waste time upon it. After one or two introductory remarks, I say:—

"I will assume that there are certain matters or contingencies important to
 " or affecting the Irish race which are of equal interest to its people (irrespective
 " of what differences of opinion there may be amongst them on various other
 " concerns), such as the preservation of the distinctive individuality of the race
 " itself among peoples; the earning for it that respect and prestige to which it
 " is by right and inheritance entitled, by striving for its improvement, physically
 " and morally, and its intellectual and social advancement, revival of its ancient
 " language, &c.; and that there are past occurrences and sectional animosities
 " which all classes must reasonably desire to prevent in future, for the honour
 " and welfare of themselves and country, such as religious feuds and provincial
 " antipathies. I will also assume that the raising of our peasant population from
 " the depths of social misery to which it has been sunk by an infamous land
 " system would meet with the approval of most classes in Ireland, and receive
 " the moral co-operation of Irishmen abroad; as would also the improvement
 " of the dwellings of our agricultural population and condition of our labourers.
 " Without particularising any further measures for the common good of our

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“ people, for which political parties cannot refuse to mutually co-operate if
 “ consistent with their *raison d'être*, as striving for their country's welfare, I
 “ think it will be granted that Nationalists (pronounced or quiescent), Obstruc-
 “ tionists, Home Rulers, Repealers, and others, could unite in obtaining the
 “ reforms already enumerated by concerted action on and by whatever means
 “ the present existing state of affairs in Ireland can place within their reach.”

And then I go on further to illustrate those points:—

“ If, therefore, a platform be put forth embodying resistance to every hostile
 “ element pitted, or adverse influence at work, against the social progress and
 “ national individuality of Ireland, and a programme of practical labour for the
 “ general welfare of our country be adopted, resting upon first principles and
 “ those wants and desires which have a first claim upon the consideration of
 “ Irishmen, such a platform if put forth, not to suit a particular party, but to
 “ embrace all that is earnest and desirous among our people for labour in the
 “ vineyard of Ireland's common good, a great national desire would be gratified
 “ and an immense stride be taken towards the goal of each Irishman's hopes.”

Then, my Lords, I come to the proposals which have been already read by Sir Charles Russell, but as they are not very long I will trouble your Lordships with them again:—

“ 1st. The first and indispensable requisite in a representative of Ireland in
 “ the Parliament of England to be a public profession of his belief in the
 “ inalienable right of the Irish people to self-government, and recognition of the
 “ fact that want of self-government is the chief want of Ireland.

“ 2nd An exclusive Irish representation, with the view of exhibiting Ireland
 “ to the world in the light of her people's opinions and national aspirations,
 “ together with an uncompromising opposition to the Government upon every
 “ prejudiced or coercive policy.

“ 3rd. A demand for the immediate improvement of the land system by
 “ such a thorough change as would prevent the peasantry of Ireland from being
 “ its victims in the future; this change to take the form of a system of small
 “ proprietorships, similar to what at present obtains in France, Belgium, and
 “ Prussia, such land to be purchased or held directly from the State. To ground
 “ this demand upon the reasonable fact that, as the land of Ireland formerly
 “ belonged to the people (being but nominally held in trust for them by chiefs
 “ or heads of clans elected for that among other purposes) it is the duty of the
 “ Government to give compensation to the landlords for taking back that which
 “ was bestowed upon their progenitors after being stolen from the people, in
 “ order that the State can again become the custodian of the land for the
 “ people owners.

“ 4th. Legislation for the encouragement of Irish industries, development of
 “ Ireland's natural resources, substitution, as much as practicable, of cultivation
 “ for grazing, reclamation of waste lands, protection of Irish fisheries, and
 “ improvement of peasant dwellings.

“ 5th. Assimilation of the county to the borough franchise, and reform of
 “ the grand jury laws, as also those affecting convention in Ireland.”

I told your Lordships yesterday that at this time it was impossible to hold convention in Ireland, owing to some law which, I think, came into operation in 1812; but this was repealed in 1879 by the Imperial Parliament, and the first exercise of the right to hold convention in Ireland since the Act of Union, or at all events, since 1812, was in Castlebar on the 16th August 1879, when I called a convention which established the Land League of Mill.

Then I go on, my Lords,—

“ 6th. A national solicitude on the question of education by vigorous efforts
 “ for improving and advancing the same, together with every precaution to be
 “ taken against it being made an additional one.

“ 7th. The right of the Irish people to carry arms.”

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Now, my Lords, this was the programme which I put forward practically in all the speeches that I delivered in the United States when I was there in 1878, but the speech was not printed in full where I had spoken it until I came to Boston, then I simply handed the manuscript to the editor, and it appears in full in the "Boston Pilot." I finished the speech as follows:—

"No party has a right to call itself national which neglects resorting to all
 "and every justifiable means to end the frightful misery under which our land-
 "crushed people groan. It is exhibiting a callous indifference to the state of
 "social degradation to which the power of the landlords of Ireland has sunk our
 "peasantry to ask them to 'plod on in sluggish misery from sire to son, from age
 "to age,' until we, by force of party, shall free the country. It is playing the
 "part of the Levite, who passed by the man plundered by thieves. It is seeing
 "a helpless creature struggling against suffocation in a ditch, and making no
 "immediate effort to save him. If we refuse to play the part of the good
 "Samaritan to those who have fallen among robber landlords other Irishmen will
 "not. The cry has gone forth, 'Down with the land system that has cursed and
 "depopulated Ireland,' and this slogan cry of war will be taken up by the
 "Constitutionalists. In the name of the common good of our country, its honour,
 "interests, social, and political, let the two great Irish parties agree to differ on
 "party principles while emulating each other in service to our impoverished people.
 "Let each endeavour to find points upon which they can agree instead of trying
 "to discover quibbles whereon to differ. Let a centre platform be adopted resting
 "on a broad, generous, and comprehensive nationalism which will invite every
 "earnest Irishman upon it. The manhood strength of Ireland could then become
 "an irresistible power standing ready at its post while the whole Irish race at its
 "back, rallying to the support of such a platform, would cry:—

"We want the land that bore us!
 "We'll make that want our chorus;
 "And we'll have it yet, tho' hard to get,
 "By the heavens bending o'er us."

My Lords, when we consider how comparatively tame such a programme as this would seem to Irish-Americans, who had been accustomed to listen to projected military raids on Canada, and told to look forward to an armed invasion of Ireland as the only policy worthy of support from exiled Irishmen, it required no little (though it may be egotistical to say so) moral courage to advocate under such conditions a constitutional line of action involving a compromise with England upon the national and land question. There was neither dynamite nor a propaganda of terrorism in these proposals. Several of them are now in line with the policy of both English parties towards Ireland, though at the time when this programme was put forward, the feeling in England was not so marked in favour of such a change in the land system of Ireland as it is now. It is significant, but nevertheless true, that O'Donovan Rossa was as antagonistic to the plan of reform thus put forward as was the Right Hon. James Lowther, then Chief Secretary for Ireland, who shortly after the inauguration of the land agitation in the west of Ireland, denounced its abettors as favouring communism and confiscation. The Boston speech, however, was but a tentative pronouncement of individual views, eliciting the approval of prominent Irish-Americans it is true, but at the same time exciting the adverse criticism of others who deemed it to be a departure from the true path of Irish independence.

Your Lordships will have observed with reference to this speech, that it did not propose any alliance whatever between extremists and parliamentarians. It outlined a new policy, and it was as plainly as possible indicated that such a policy could only be carried out in Ireland upon constitutional lines. And, my Lords, when it is taken into account that such a plan of public action was propounded before Irish-Americans who had never before been asked to support any movement that was not based upon physical force and rebellion, I think an impartial judgment upon what I have read would define its meaning to be an effort on my part to substitute an open agitation for secret conspiracy as the best and surest means of enlisting the co-operation of the Irish race the world over in a movement for the social welfare and political advantage

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of Ireland. Such, in fact, has been my endeavour on each of my visits to America, and I am proud to say I have largely succeeded in my exertions. To so succeed, made it necessary for me to associate in public meetings and at conventions with men who were members of revolutionary organisations. I would to-morrow, if invited, attend any meeting of Irishmen, no matter how extreme, on the one hand, or Conservative on the other, and endeavour by fair argument, to induce them to accept and support a policy which had for object the greatest attainable unity among men of the Irish race at home and abroad for the purpose of winning by open and common-sense means the greatest measure of relief from Irish landlordism and Dublin Castle Government that could be got for the people of Ireland from the people of England.

And now, my Lords, I think I have effectively disposed of the more personal part of the third special charge contained in the particulars served upon me by the "Times." The "alliance" which I was charged with being mainly instrumental in bringing about was never made, and, consequently, never existed. I had no authority from Mr. Parnell or any other leader, constitutional or otherwise, in Ireland to negotiate any such alliance as that alleged between physical and moral force parties. What John Devoy proposed and what I have said in my American speeches stand on their own merits. Mr. Parnell did not ever receive the Devoy message, and my outline of policy in the Boston speech was an argument and an inducement addressed to physical force revolutionists and the American-Irish generally to support a programme of reform for Ireland which was to occupy a neutral position between the Home Rule and revolutionary parties. This was a "New Departure," but it was not the "New Departure" proposed by Devoy, which sought to dictate to Mr. Parnell the terms upon which its advocates would consent to support him. The "Times" alleges, among its other charges, that the movement led by Mr. Parnell has been controlled, or has had its policy shaped by men in America, whose sole political aim was the complete separation of Ireland from England, and whose plans for this revolutionary purpose included the employment of dynamite and a recourse to assassination. The efforts at proof of this allegation are about the weakest ever attempted in a court of justice. The "Times" argument amounts to this: Because some six or eight men of pronounced revolutionary principles have met Mr. Parnell, myself, and other Land League leaders, when in America, in connexion with the meetings and lectures of these gentlemen, and because such extremists, in common with hundreds of thousands of people of Irish birth and parentage in the United States, who are not extremists, have joined the Land League, and contributed to the support of Mr. Parnell's movement, therefore reasons the writer of "Parnellism and Crime," Mr. Parnell has become the puppet of John Devoy and John Finnerty, while Mr. Davitt is the willing tool of Patrick Ford. Priests, doctors, lawyers, merchants by the hundred, have joined the Land League and given Mr. Parnell a kindred support in every state of the union, and it would be no more ridiculous to connect himself and his party with the professions and callings thus represented by his tens of thousands of allies and friends, as to attempt to do so with the ulterior objects of a half-dozen of extremists who have identified themselves with the American branch of the movement which Mr. Parnell leads. In the 50 or more meetings addressed by Mr. Parnell when in the United States in 1880 he must have come into contact, more or less intimately, with at least 500 people at each meeting. The money forwarded by him to Ireland for purposes of relief as a result of those meetings was upwards of 50,000*l.*, while some 20,000*l.* more was contributed through his appeals and exertions for the Land League. This immense sum could never have been raised from any section in Irish-American politics. Mr. Parnell appealed to everyone in America who sympathised with Ireland in its then condition; and those who responded with their subscriptions, or went to his meetings, or came into personal contact with him or joined the League, must have remembered 90 men of moderate views to 10 extremists. The very converse of the "Times" allegation is what has resulted from Mr. Parnell's first visit to America and the foundation of the Land League there, as has been abundantly shown before this tribunal. It is Mr. Parnell who has won over the vast majority of men who had hitherto believed in Fenian raids on Canada, and suicidal efforts at insurrection in Ireland. A conspicuous proof of this is manifest now to the whole world in the changed feeling among Irish-Americans on the Home Rule question. In 1878 and 1879 the language of the "Irish World" was uncompromising towards the late Mr. Butt's Home Rule programme. Attempts to organise active support for Irish

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constitutional movements among the American Irish had always failed hitherto. Now, however, the proposal to settle the Irish question on the basis of a federal union with England commands the assent and goodwill of 99 per cent. of the Irish race in the United States. Of all the triumphs achieved by Mr. Parnell since he became the leader of the Irish people—and the future historian of these countries must, in justice, accord him not a few—the victory which he has won over the strong passion and revengeful feeling which previously characterised Irish-American sentiments towards England will not be the least in fruitful results, not alone to Ireland and Great Britain, but to the great republican commonwealth which has been built up beyond the Atlantic by the industry, genius, and wisdom of England, Irish, Scotch, and Welsh emigrants from these islands.

It is, of course, what might be expected from the accusers of Mr. Parnell, but not what should be the duty of fair opponents, to ignore the part which he and Mr. Dillon played in this tour in the interests of that greatest of all virtues, charity. They did not confine themselves to a purely political propaganda. The cause espoused by the Land League was advocated at each meeting it is true; but so likewise was the cause of a starving peasantry in the then afflicted districts of Ireland. No less a sum than 50 000*l.* was raised by Mr. Parnell in personal appeals during those sixty days for the succour of a half-starved peasantry at home. It was not merely by vocal pleading that this was accomplished, though this was done at every gathering, great or small, which he addressed. Messrs. Parnell and Dillon went round, hat in hand, at all their meetings, personally soliciting the contributions of their audiences for the relief of the distress. The writer of "Parnellism and Crime" has prudently ignored this feature of Mr. Parnell's mission to America. The "Times," with none of the magnanimity which should characterise an honourable political adversary, refuses to recognise anything in Mr. Parnell but what its prejudice dictates; and whether he is engaged in a labour of benevolence along with a political propaganda in America, or striving to redress his country's grievances in Ireland or in the House of Commons, he is looked upon and represented as being dominated only by a treasonable and criminal purpose, in league with the enemies of England, and the foes of social order. This investigation will exhibit Mr. Parnell in the light of his actual labours since he became the leader of his people, and thought it is not pretended that he has been exempt from faults and ambiguities incidental to political leadership in every country, it will be shown that he is the exact reverse of what the "Times" has painted him, and be proved that his governing purpose, and his labours from the beginning, were the welfare of Ireland, secured on a settlement of the Irish Question, which would be mutually advantageous to both the Empire and Ireland.

Now, my Lords, apart from my supposed agency, the "Times" has endeavoured to prove in two ways the existence of this alleged alliance between what it calls "the party of violence in America" and Mr. Parnell's party on this side of the Atlantic. It has failed. disastrously to its case and itself in one attempt; and its effort in the other is only less conspicuously a failure, because there is no dramatic incident associated with the newspaper readings which formed the groundwork of its second line of attack. Pigott's letters, with their author's story about Clan-na-Gael agents meeting him in Paris and selling him the proofs of Mr. Parnell's complicity in the Phoenix Park murders, was the first gospel of accusation preached by the prophets of Printing House Square. This they stuck to with the tenacity of fanaticism until the flight and confession of the forger. From page 91 to 103 of the proceedings of *O'Donnell v. Walter*, the Attorney-General laboured with all his great ability to establish the genuineness of these letters; demonstrating by their language, the contemporary events which their contents commented upon, and by the peculiarities of Mr. Parnell's signature, that these documents proved a criminal alliance between Mr. Parnell and American Invincibles. And said the learned Attorney:—

"Cost what it may to the "Times" . . . they will not expose one of
 "the several persons from whom these documents were obtained, at the risk
 "which they know to be a real risk, that many hours would not elapse from the
 "time of their names being given before they would be in active and positive
 "danger to their lives."

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Probably a more unscrupulous instruction was never given to counsel than that which induced Her Majesty's Attorney-General for England to take such a position with regard to these letters. Here we see it insinuated that the documents were procured from *several* persons, in order to remove suspicion from this wretched creature who was then known to Houston and his co-conspirators in the "Times" office as the actual forger of these infamous letters, for it has come to my knowledge, through Pigott's servant, that he confessed to her that he had told the "Times"——

(*The President.*) I cannot have that.

(*Mr. Davitt.*) I thought I might mention it.

(*The President.*) I cannot have any statement of any fact of that kind.

(*Mr. Davitt.*) I shall not insist in saying that. It can be proved by me and proved elsewhere. And then to bolster up so illegal a position as that assumed by the Attorney-General. He put forward the plea, worthy in every way of his clients, that if the names of the vendors of the letters were given, their lives would be taken by, to use the words of the learned Attorney-General, "The men who were connected with the Land League." These tactics worked out their own infamy, and the proof of Mr. Parnell's alliance with the Invincibles and Extremists of America, with which Pigott forged with the money of the I.L.P.U., and the service of the "Times," was reluctantly abandoned when their agent confessed his crime. But if your Lordship had not backed up Sir Charles Russell's demand that Pigott should be put into the witness-box before the "Times" expert who was prepared to endorse the opinions of O'Shea and Delaney, and prove Pigott's handwriting to be Mr. Parnell's writing, the enterprising Shannon might have induced Pigott to depart a little earlier for Spain, and so have prevented the complete vindication of Mr. Parnell from complicity in these infamous letters. Thus failed the first attempt of the accusers to fasten upon Mr. Parnell the guilt of complicity in criminal courses with the party of violence in America. Their attempted secondary proof is more varied in form and more general in character than Pigott's concrete testimony, but on careful examination it becomes just as baseless in foundation, while losing nothing in comparison as to baseness of purpose. Before meeting and answering the evidence and arguments addressed by the accusers to sustain the allegations supported by this attempted secondary proof I will introduce to your Lordships the prominent men in America with whom I have had contact in my various visits, and with some of whom it is alleged I planned the so-called union or compact between the Clan-na-Gael and Mr. Parnell's party, Mr. James J. McCafferty, of Lowell, Massachusetts, was the first president of the American League. He was elected at the first convention of that body, held at Tranior Hall, New York, in June 1880. Mr. John Dillon and I were present as representing the Land League of Ireland. I confess I am ignorant of Mr. McCafferty's qualifications for the post to which he was then appointed. The only one which I remember being advanced in his favour was the interesting one that he was supposed to be the handsomest man in New England; and as this recommendation was put forward by a president the decision of the convention must have been influenced by such an appeal to its fancy. Anyhow, whether it was the dignity or the duties of the office had less attraction for Mr. McCafferty, he, like the hero in Cowper's poem, "did nothing with a deal of skill," and therefore leaves nothing either for the "Times" to allege against or the defence to record in favour of his administration of the League.

I was elected at the same convention central secretary of the Auxiliary League of America, and as I have already told your Lordships in my evidence, the organisation of the League was entirely in my hands from June 1880 until my return to Ireland in the following December. I have read and put in as evidence the constitution and rules of the American Land League, which were practically drawn up by me, and which I circulated throughout the United States. After my departure from America the Rev. Lawrence Walsh, of Waterbury, Connecticut, the treasurer of the League, assumed also the duties of central secretary, and the organisation was subject to his control, at least those branches which did not transmit their moneys through the "Irish World," until January 1881, when at a convention called by Father Walsh at Buffalo, Mr. Collins of Boston was elected head of the organisation. In the official report of the Buffalo Convention there is a full account of the administration of the League by the reverend treasurer, together with a financial statement of his receipts and disbursements. I may add that in each of the official reports of League

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conventions, either put in as evidence or in my possession, there is a similar statement of all receipts and expenditure of the American Leagues, copies of which I shall be very happy to give Sir Henry James. There is an account of all the receipts and expenditure of the American League.

Now the second amongst the prominent men was General Collins of Boston. Mr. Patrick Collins, Congressman, lawyer, and general, presided over the first Land League Convention held in America, and became the second president of the organisation. No attempt has been made to connect Mr. Collins with any secret revolutionary body or to impugn the contention of the defence that he was from the first, and is still, the recognised leader of what has been called, and truly so named, the Conservative elements in the American Leagues. Mr. Collins is a politician of American reputation. He is one of the recognised leaders of one of the two great American parties, the Democratic party. It was this gentleman who was unanimously chosen to preside over the National Democratic Convention of last year which nominated Mr. Grover Cleveland for a second term president, and to General Collins was deputed the duty by the said convention to convey to the then occupant of the White House the notification of the official Act of the convention. There was no better known or more widely esteemed citizen in Boston than the gifted and genial orator, statesman, lawyer, and patriot who ruled over the American Land League from the Buffalo Convention of January 1881 to that of Washington in 1882. Nothing has been proved or attempted to be proved here against Mr. Collins except a moderation of language and a restraining influence of action singularly in harmony with as kind and as true a heart and as jovial a disposition as dame Nature ever endowed an Irishman with. I do not at the moment recall what was the opinion expressed by the spy Beach of Mr. Collins; but if your Lordships could imagine a private of a militia corps who would be drummed out of his regiment as a disgrace to its records criticising the character of a General Gordon for want of heroism at Kartoum you could then picture the value which American public opinion will set upon Beach's estimate of Mr. Collins of Boston.

The next prominent man whose name was mentioned was Mr. James Mooney, of Buffalo, the third president of the American League. I will not be absolutely certain whether I am correct in this or not, but my recollection is that he had some hesitancy whether Mr. Mooney was Clan-na-Gael or not—anyhow I speak of him as I know him. He is a business man of undoubted capacity, and well and favourably known in his native city. Like Mr. Alexander Sullivan he is, I believe, an American citizen of Irish parentage—that is, born in America. It can be nothing, I maintain, but transmitted honest love of Ireland which could induce such men, whether Clan-na-Gaelers or Leaguers, to manifest Irish patriotism while born to fulfil the duties of American citizenship. A sham sentiment of nationality would never live in this way in a country where law and liberty know no class or racial distinctions, and where the sons of Irishmen are born co-equal heirs to the highest honours of the state with the lineal descendants of the fathers of American independence.

Mr. Mooney's administration of the League covered the period from the Washington Convention of February 1882 to the merging of the land into the National League at the Philadelphia Convention of April 1883. No speech or act of Mr. Mooney's has been referred to by the "Times" which can in any way justify its charges against the Auxiliary League organisations of America.

Now, with reference to the next prominent Irishman that I have been identified with, Mr. Alexander Sullivan, the fourth president of the American League, I have in the witness-box put on record my opinion of that gentleman. I know that he has been charged here and elsewhere with grave crimes. His character has been commented upon by a person who has not very much character to boast of himself except in his capacity as a spy. I will speak of Mr. Sullivan as I know him from having met him repeatedly in Chicago, through having heard him spoken of by men of all classes in America with whom I have associated, men who would not on any account have anything to do with Mr. Sullivan if he was guilty of any of the charges that have been made against him by this spy Beach or by his traducers in "Parnellism and Crime."

Mr. Sullivan became president of the National League of America at the Philadelphia Convention in 1883. Whether he was or was not then a member or official of the Clan-na-Gael, I know not; but this I affirm, he was not elected to the head of the

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American League on account of any connexion with a secret organisation. At that convention he steadfastly declined the nomination of the League presidency until the clerical and conservative forces at the convention joined in the general movement for his election. Now, it is obvious to every mind not closed to the reasoning of common sense that if the priests and moderates at the convention believed Mr. Sullivan to be the nominee of the Glan-na-Gael, they would have stood out strenuously against him. The converse of this would be as unlikely as to expect a Primrose Habitation to admit me as one of its members. That Mr. Sullivan was not elected League president on Clan-na-Gael principles is demonstrated as clear as day, from both the official records of the convention and the contemporary newspaper reports.

It is not denied—not denied by me—that Clan-na-Gael men were present as individuals at that, and previous, and at subsequent League conventions. We have never denied the fact—at least I have not—nay, more, it would have been a policy which I would have at once opposed if any effort had been made to exclude men of the Clan-na-Gael as Irishmen or Americans from becoming members of our League organisation. Both in Ireland and in America, from the very inception of the Land League, it has certainly been my desire and effort to bring into our movement every man of the Irish race, whether Fenian or Orangeman, who could help in the task of bringing this suicidal Anglo-Irish struggle to a close, and thereby bring peace, and some chance of prosperity, to an unfortunate country. Mr. Parnell tried a great and a gigantic political experiment when he planned a world-wide natural movement and appealed to revolutionists on the one hand, and Conservative Nationalists on the other, to meet upon a neutral platform, from which a strong but practical appeal could be made to English sense of justice and England's selfish interests, and he would be unworthy of the great idea which shaped his policy if he excluded from the ranks of the Land League men of the stamp of Alexander Sullivan. All that the leaders of the Land and National Leagues were called upon to guard against was the danger of allowing the principles or platform of their organisation to be tampered with or changed from their constitutional character, and to prevent their movement from being turned to illegal purposes. This they have successfully done, save when the Liberal Government of 1881 ran the League leaders into prison for, among other reasons, to give revolutionary opponents of the League a better chance of smashing its branches throughout Ireland, and for whatever disorder and bloodshed occurred in Ireland after the suppression of the League in October 1881, I hold, and have always held, the Castle advisers of the Liberal Ministry of the day morally responsible. Except in this instance, and for the reasons stated, the leaders in Mr. Parnell's movement have never relaxed their hold upon the principles which governed the League organisations in Ireland and America, and those organisations have been held to the lines laid down at the conventions or conferences which called these bodies into existence.

At the Philadelphia Convention the platform and plans of reform which had been adopted at the conference of the 17th of October 1882 in Dublin, and which platform, as I told your Lordship this morning, were adversely criticised by Mr. Ford in the "Irish World," were unanimously endorsed and printed with the official record of the convention, which record has been handed in as evidence. The spirit in which Mr. Sullivan accepted and carried out the duties of the presidency of the National League of America will be justly appreciated by a perusal of an article which he contributed to the "American Catholic Quarterly Review" of January 1884 while he was at the head of the League organisation. With your Lordship's permission I will quote the concluding sentences of this article.

"The National League in America," said Mr. Sullivan in the concluding page, "and the societies affiliated with it—the Temperance, Charitable, Mutual Benefit, Military, and other societies,—do still more to render the Irish in the United States more useful men, and therefore more useful citizens. It is difficult for an American to realise how thoroughgoing and how complete are the mischievous influences of political misrule in Ireland. Let him contemplate a country without foundries, without factories, without mills, without workshops, without elevators or granaries, without shipping, without industrial arts. His imagination will be subject to a severe strain. Let him contemplate such a country overawed by soldiery, its people cowed by ubiquitous police, the right

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“ of public assembly almost permanently suspended, religious hatreds spasmodically incited to keep the people from uniting; every home liable to rough midnight intrusion, and every citizen liable to capricious arrest and indefinite imprisonment, without trial. What business habits will the mass of such people have? What will they know of self-discipline? What knowledge can they possibly possess of trade, manufactures, machinery, of sanitary laws, of literature, the progress of the world, the science? What acquaintance can they have with those methods which experience and competition have been creating for rendering life cleaner, happier, brighter, more beneficent? There is not one of these societies which does not perform an educational function. Their members are brought into contact with living thought, many of them for the first time in their lives. In these societies they learn the value of thrift. Thrift in Ireland has always been a misfortune for the mass of the people because it exposed them to increased rent. Many of the Irish tenantry have to discover when they come to the United States that political freedom is necessary before thrift can be considered good fortune. All these societies encourage, if they do not actually enjoin, sobriety. All teach their members self-denial, economy, frugality. All help to diminish pauperism in the United States, because each has its own treasury and takes care of its sick members, aids their widows, makes some provision for their orphans. To keep the treasuries full, the men must deny themselves indulgences to which they would otherwise resort. Thus the societies improve health, promote virtue, and render homes more comfortable. In the meetings of the National League, and all the affiliated organisations the members learn the duty of mutual respect and forbearance, of courtesy to each other and to all men. They learn to think before speaking, and to confess before acting. Many of the societies have reading-rooms, lectures, music, discussions upon many questions wholly disconnected from the politics of Ireland; and thus in still another way they are educating, informing, and refining. They discipline their members to transact business in business like ways. They enable men engaged in diverse occupations to convey to each other practical and useful knowledge which it would be utterly impossible for many of them, working all day and at night weary, to acquire by more expensive or more fatiguing methods. In a word, all the Irish organisations in the United States, which were fused at the Philadelphia Irish Race Convention into the National League to assist their kindred in Ireland in securing national independence, are calculated to make Irishmen better men and better American citizens. Instead, therefore, of being a menace to American institutions, the Irish National League in the United States is a benefit to the Republic.”

Now, my Lord, the next prominent man in America with whom I was identified is a gentleman whose friendship I had the honour to possess before he went to America—Mr. Patrick Egan, the fifth president of the American League. Of Mr. Egan I find it more difficult to speak than of others, because my intimacy has been so close—I may say so affectionate—that what I say of him must be influenced by this fact. Sir Charles Russell has spoken of him what his friends among those who are the accused here desired he should say as their representative. I endorse every word so well expressed. I have known Mr. Egan since my release from prison in 1877. His was the first hand extended to welcome me when I landed at Kingstown a free man on Ireland's shores. I have known him as well and as intimately as any man could know another from the time he assumed the treasurership of the Land League until the present hour, and that record could stand the closest possible scrutiny from any fair tribunal in any part of the world. He has been charged by the “Times” with the greatest crimes that could be imputed to any man. He was so charged on the forged testimony of a self-confessed villain. It has been imputed that he fled from justice when he left Ireland in 1883, and the paper which says this now printed the following statement two years ago, which directly contradicts the “Times” allegation as regards the flight, and explains Mr. Egan's removal from Ireland to America. He states the notice or extract from another paper about Mr. Egan, at that time appeared in the “Times.” I will ask permission to quote it here in order that the “Times” may be made to contradict what it charged later against Mr. Egan. The statement appears in the “Times” of the 21st April 1877.

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(*Sir Henry James.*) That is original matter?

(*Mr. Michael Davitt.*) Yes, it is page 6, columns 1 and 2, it is headed "The Alleged Flight of Mr. Egan," and it begins——

(*The President.*) 1887?

(*Mr. M. Davitt.*) 1887. I was wrong in saying it was two years before the charges were made; anyhow it is dated the 21st of April 1887, and it is page 6, columns 1 and 2. It says:—

"The 'Daily News' of yesterday published the following telegram from its Paris correspondent under the heading of 'Mr. Egan and the Phoenix Park murders.'"

This has not been referred to in this investigation, so far——

(*The President.*) It appears to be a quotation from the 'Daily News.'

(*Mr. Michael Davitt.*) Printed in the "Times."

(*The Attorney-General.*) On the 21st of April?

(*Mr. Michael Davitt.*)

"Paris, Tuesday night.—The French papers reflect the excitement which the Parnell affair causes in England."

What it was I do not know, perhaps it was some discussion in the House of Commons.

"Perhaps it may not be amiss from me to describe how Egan, whose name has been mixed up in the matter, received the news of the Phoenix Park murders. I sought entirely for journalistic purposes to make Egan's acquaintance when he was here, and got to know him very well, as he happened to live near me, and I had frequent opportunities of meeting him in the tram cars, public gardens, and other places."

(*The President.*) It amounts to this, it is a statement that somebody made from what Mr. Egan said.

(*Mr. Michael Davitt.*) It was printed in the "Times."

(*The President.*) I need scarcely say that is not evidence.

(*Mr. Michael Davitt.*) I cannot read this without your Lordship's permission, but as the most serious charges that ever were made against a public man have been made by the "Times" against Mr. Egan on the foundation of forged letters——

(*The President.*) But then that might have been met in a legitimate manner. Mr. Egan has not appeared, nor has anything been done by him to meet any of these charges.

(*Mr. Michael Davitt.*) Mr. Egan has ceased to be a subject of this Government.

(*The President.*) I am only pointing out the fact.

(*The Attorney-General.*) As far as we are concerned I would rather your Lordship would permit Mr. Davitt to read it.

(*Mr. Michael Davitt.*) I thank you, Mr. Attorney-General.

"It happens that I saw him at the moment he heard of the Phoenix Park murders. It was at the Madeline station of the tramway leading to the Avenue de Villiers, where he resided. I was going in that direction, and Egan was coming from it. He stepped out of a car and went to a kiosk to buy an evening paper, and then sat down on a bench and looked at it. When he opened and looked at it the paper fell from his hands and he became quite corpse-like. I had not, as he had not seen me, intended to accost him, but when I perceived his state I was under the impression that he was dying, and went to see what was the matter, so as to call assistance were it wanted. For perhaps five minutes he could not speak and kept staring in a fixed way and looking more dead than alive. I questioned him at last, and he pointed to the paper 'La France,' and said, 'Look at that.' I picked it up and read of the Phoenix Park affair. Egan's words, when he was able to speak, were: 'What an awful fatality, Cavendish was the best of the whole lot. Poor Cavendish, poor Lord Cavendish.' Later on he conversed a good deal. His feeling was that what had happened would damage the cause which he had at heart. He was terrified at the savagery of the act. About 10 days later I met him again in the street, and he told me that he thought of going off to some western part of America where

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“ peace and quietness were to be obtained. Egan was, it appeared to me, the very
 “ contrary of reckless or unscrupulous, and struck me as a man of gentle disposition
 “ and by no means strong nerve. I met Mr. Parnell.”

Then it goes on to say what the result of Mr. Parnell's opinion was, but I quote this, my Lord, simply to show that so far as this date, 1882, Mr. Egan had intended to remove from Ireland to America, and I think we are told in April here by the Attorney-General that he fled from Ireland later because of apprehensions that he was to be prosecuted.

(*The President.*) I do not quite understand. This appeared in the “Times” of April 1887, as quoted from the “Daily News,” of what date?

(*Mr. M. Davitt.*) The “Daily News” going back to 1882, when this thing occurred, the correspondent giving the particulars.

(*The President.*) Did it appear in the “Daily News” in 1882, or from a later article?

(*The Attorney-General.*) 1887. I think it said, Mr. Davitt, “The ‘Daily News’ of yesterday published the following telegram from its Paris correspondent.” This evidently had some reference to something which occurred in April 1887, and which recalled to the mind of the correspondent this conversation with Mr. Egan in 1882.

(*The President.*) I now understand.

(*Mr. M. Davitt.*) My point was that in 1882, at this time, he was contemplating a residence in America.

Well, my Lords, Mr. Egan was elected president of the National League of America at the Boston Convention of 1884. No act of his administration has been cited by the “Times” which substantiates its allegations regarding the supporters of Mr. Parnell's movement in the United States. What the spy Beach has related as to what he alleges Patrick Egan told to him would amount to nothing criminal against him, even if Beach's yarns were true. If, as alleged by Beach, Egan joined the Clan-na-Gael after becoming president of the National League, it would amount to no crime surely against those on this side of the Atlantic who are not members of any but the open organisation. If Mr. Egan had chosen to be a Mormon or a Freemason instead of becoming, as alleged, a Clan-na-Gael man, Mr. Parnell could not well be accused of Masonry or Mormonism through the act of Mr. Egan. Mr. Egan no more made the National League of America a part of or subservient to the Clan-na-Gael society by joining its ranks—if he did so—than he would have turned it into a Mormon or Masonic institution had his ambition looked in these directions. The question which I take it your Lordships will determine is, not what Mr. Patrick Egan may have become personally, but whether Mr. Egan, as president of the National League in America, has done or connived at the doing of those crimes which the “Times” imputes to the League organisation. Mr. Egan resigned the presidency of the League at the Chicago Convention of 1886, and the official report of his administration, as submitted to and approved of by that body, has been tendered by me, who was present at that Convention, as evidence in this case. Well, I need not remind your Lordships in passing that Mr. Egan has been distinguished by the President of the United States by being appointed as Minister to the Republic of Chili.

The next important man with whom we have had contact in America is Mr. John Fitzgerald, of Lincoln, present and sixth president of the American League. Mr. John Fitzgerald, of Lincoln, Nebraska. I was present at the Convention which elected Mr. Fitzgerald. I also know him personally. He is a self-made man, who from landing in New York, a poor Irish labourer, has raised himself by his own natural ability and the fair play which Irishmen receive when they leave Ireland, to a position of great wealth and affluence. He is the most influential citizen of Lincoln, Nebraska, with its population of 50,000. He is a great railway contractor, and is identified in enterprise and sympathy with the great and rapid development of the rising State of Nebraska. He is familiarly known in his own and our neighbouring States as “Honest John Fitzgerald,” and the integrity, straightforwardness, and honourable dealing which have distinguished his career as a business man have been the characteristics of the rule of the National League under him and the able and unassuming League secretary Mr. Sutton.

Now, my Lords, I come to another man of a different stamp, whose name figures also prominently from time to time in this inquiry, Mr. John Finnerty. Mr. Finnerty has undoubtedly advocated warfare of dynamite against England as a ruling power

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in Ireland. He is an avowed physical force man, and has never disguised his views, at least since 1883 as far as I know. He presided over the National Convention which was held in Chicago in December 1881, but he had not, at that time, as far as I know, and I think as far as the evidence has gone here, avowed himself an advocate of dynamite. At the League Convention in Philadelphia in 1883 he was refused a hearing by the chairman and delegates, because it was believed he intended moving a resolution or making a speech favouring a policy opposed to that of the League. He was not present, I think, at the Boston Convention of 1884, at which Mr. Sexton and Mr. Wm. Redmond at which myself were present as delegates from Ireland. He was present at that of Chicago in 1886, at which myself, Mr. Wm. O'Brien, Mr. John Redmond, and Mr. John Devoy were also present. Mr. Finnerty has never held any office in the American League. The fact of any man being appointed chairman of convention is simple proof that at the time he was deemed to have some local claim for that position. As a rule presidents conventions in America—it is not always so—but as a rule, the presidents of convention, be they democratic, or republic, or temperance, or local, or Irish of whatever kind, are chosen from the city where the convention assembles as a rule. Mr. Finnerty has never held any office in the American League. He believes, and honestly believes, that Mr. Parnell's policy, or any constitutional methods whatever, will never win from England any measure of National autonomy that would give Ireland the status of a nation. Mr. Finnerty may be right or wrong in this conviction, but the fact that he has held and expressed them, and that he has likewise preached a dynamite warfare against England, proves nothing against Mr. Parnell or the League. To those who know Mr. Finnerty and what the state of feeling was among the Irish in America, even 10 short years ago, these sentiments of Mr. Finnerty's prove how wide spread has been the moderating influence which Mr. Parnell and his movement have exercised over the minds of expatriated millions of our race, who once thought that nothing is to be got from England but by means of violence and open revolution. And yet, my Lords, Mr. Finnerty is no vulgar brawler, no empty headed person, no blood thirsty miscreant. He has been in Congress as a representative of the State of Illinois, and if he was either of these things he never would have been sent there. He is a man of conspicuous ability, of known personal honour, and of reputation, and has lately filled a highly responsible position in the municipal government of the city of Chicago. He is England's enemy because he believes England to be the enemy of Ireland, and he knows well that the methods of physical warfare which he would resort to if he could against this country, are but among those which a powerful empire has itself used against peoples and nations who have never done England injury or wrong except to be poor and weak, and to invite subjugation. If it be a charge against me that I have met Mr. Finnerty and associated with him at meetings and conventions, I plead guilty to it, and say, by way of extenuation, I am ready and prepared to do it again, unless Mr. Finnerty, which is not unlikely, should object to any association with one so tarred with constitutionalism as I am. I may say, that since the row I had with him, in 1886, in Chicago, he has denounced me in his paper as "that British subject, Michael Davitt." His methods are not my methods, but I believe him to be as honest in his love of Ireland, and as ready to make sacrifices in her cause, as any man I have ever met; and if such a man has become England's implacable enemy, and vows that nothing but England's own methods should be resorted to against England, blame the landlords of Ireland, blame your Castle Government, which thinks that the highest form of rule is that which drives Irishmen from their native land—blame these agencies of extermination, but do not Mr. Parnell or myself, for the John Finnerty's of America. Now, I here read from Mr. Finnerty's paper, the "Chicago Citizen," of the 13th May 1882, an editorial, honestly, I believe, condemning the Phoenix Park assassination. I will satisfy myself by saying he joined sincerely and heartily in the condemnation of the Phoenix Park murders, which went forth from the whole Irish race, and he openly denounced it as one of the greatest crimes ever committed in that country.

The next man, my Lords, with whom I associated in America of any prominence is John Boyle O'Reilly, and in respect to him I would say this: it has been said of some eminent Englishman who once resided in the East, if his name, with Asia after it, were but written on an envelope, and posted, it would surely reach him. I am perfectly certain, from personal experience with the name of John Boyle O'Reilly, that if an envelope were written and posted with his name and that of America it would reach

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him, because he is one of the parties mentioned in the particulars with whom we are charged with having had criminal intercourse, and with having been the author of crime.

He is, in my opinion, an Irish-American Admiral Crichton. He is a gentleman of great literary ability; is a poet of American reputation, a citizen of whose attainments Boston is justly proud, while no one who has ever had the pleasure of meeting Mr. O'Reilly fails to recognise in him one of the most charming and cultured of individualities.

Mr. O'Reilly has been a Land Leaguer from the beginning. He has never filled any office in the organisation, but in his able paper, the "Boston Pilot" and on the platform as a speaker, he has been one of Mr. Parnell's ablest and most enthusiastic supporters in America. Mr. O'Reilly was once a Fenian, and, like myself, has made the sad acquaintance of convict life. He is now, and has been since the leadership of Mr. Parnell began, a Conservative Nationalist amongst Irish-Americans.

Now, the next and the last name I shall mention in this connexion, is that of Mr. Thomas Brennan, whom I have met at the Chicago Convention, and whom I have associated with whenever I have gone to America since he left Ireland. He was closely associated with me in the initiation of the land agitation of 1879, and became the first responsible secretary of the Land League. He was arrested in May of 1881, and remained imprisoned as a suspect under Mr. Forster's Coercion Act until the 16th June 1882. The informer Delaney, who swore that he saw in 1882 some letters which Pigott confessed to having forged some years afterwards, swore also that Brennan and Egan were leaders in the Invincible organisation, which organisation he again swore came into existence about the latter end of 1881, or months after Brennan had been arrested, and Mr. Egan had removed to Paris; but in his sworn depositions before Mr. Maloney, the resident magistrate at Sligo, in the Sligo conspiracy case in 1884, this same informer, Delaney, swore twice that he joined the Invincibles so late as January or February 1882, at a time when Mr. Brennan had been over eight months a prisoner in Kilmainham, and in these depositions, a copy of which I applied for to and have had supplied me by the Lord Lieutenant of Ireland, the informer swore as follows with reference to Brennan, "I first met Brennan in 1876 or 1877."

(*The President.*) What is this?

(*The Attorney-General.*) I should like to understand what you are reading from, Mr. Davitt. Is it anything in evidence?

(*Mr. Michael Davitt.*) This is a copy of the sworn informations of Delaney in Sligo.

(*The Attorney-General.*) There is a little difficulty about that. Delaney has been in the box, and has been cross-examined.

(*Mr. Michael Davitt.*) I had not this at that time. I will not insist on reading if the Attorney-General objects. I wrote to the Lord Lieutenant for a copy since then for the purpose of my speech, and I have got this copy. I do not want to read it. I satisfy myself by saying in 1884, when he swore these depositions in Sligo, he never associated the name of Egan or Brennan with the Invincibles. It was subsequently, after he had confidential interviews with Mr. Shannon in Maryborough, that he stated these things.

Well, my Lords, Mr. Brennan, since arriving in America, has attended the Land League conventions, and has given an independent support to the League organisation there. Anything which he has said on these occasions that has been read here, amounts but to declarations in favour of Ireland's complete independence, and if that is a crime, of course I have to admit, as his friend, that he is guilty of it.

(*The Attorney-General.*) I should rather, of course, if there is anything in this statement, that it was read than not; I was merely meaning to say I was not certain what Mr. Davitt was referring to. I have not the smallest objection to any statement of Delaney going before your Lordship; at the same time, I was only anxious to know whether what Mr. Davitt was referring to had been proved.

(*Mr. Michael Davitt.*) No.

(*The President.*) Perhaps you had better look at it, Mr. Attorney.

(*The Attorney-General.*) I do not see how it can be material as to anything about Fitzgerald.

(*Mr. Michael Davitt.*) I was not referring to anything about Fitzgerald.

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(*The President.*) I understood Mr. Davitt to say that it does not contain anything to the effect that Egan and Brennan were parties to the Invincible conspiracy.

(*The Attorney-General.*) Of course it might not be.

(*The President.*) I am only trying to take stock of what it is, and from that, assuming it to be so, Mr. Davitt argues that his statement now made in the box is not to be relied upon. Is that the substance of it?

(*Mr. Michael Davitt.*)—That is the position exactly.

(*The President.*) Then it all turns upon this: If there is nothing in the deposition about it, then that argument of Mr. Davitt is a good one—I mean it lays a basis for that argument.

(*The Attorney-General.*) Assuming it was relevant to the inquiry at that particular time?

(*The President.*) Quite so.

(*The Attorney-General.*) One does not know.

(*The President.*) Therefore had not you better look it out?

(*The Attorney-General.*) Yes.

(*Mr. Michael Davitt.*) Certainly. That is the passage I wanted to read. [*Pointing the passage out to the Attorney-General.*]

“Mr. Brennan has been to those who knew him best—a high type of disinterested patriotism—young, ardent, and gifted with many qualities which would find in a self-governed Ireland the recognition which they have already won for him in the prosperous city of Omaha in Nebraska. As a man, a Nationalist, and a Land Leaguer, I am proud to claim Thomas Brennan as a valued and intimate friend whom I know to be incapable of any low or base transaction, political or otherwise.”

Now, my Lords, there is another man whose name has been associated with me in this inquiry to a great extent, but as he is an avowed personal and implacable enemy of mine I do not like saying anything about him here. His name is John Devoy. I have told your Lordships the circumstances under which I first met him, and the extent of our intercourse; and I have shown—at least I have said that shortly after I returned from America in 1880, Mr. Devoy began to attack me openly for having with the Reverend Lawrence Walsh, the treasurer of the Land League, encouraged the people of America in the Land League to send their subscriptions direct through the press to Ireland and not to a central treasurer. Mr. Devoy being so pronounced an enemy of mine, I do not wish to say anything against him. I met him under the circumstances I have related, and whatever guilt there is in being associated with such a man under those circumstances I am quite willing to put up with the consequence of.

The Attorney-General in his opening statement endeavoured to convince your Lordships that the convention of the Land and National Leagues in America were but so many gatherings of dynamiters and supporters of assassination who assembled from time to time, now in one city, now in another, for the sole purpose of carrying out a policy of extreme violence against England. It has also been asserted by the writer of “Parnellism and Crime,” and repeated here by the Attorney-General, that, at such conventions, so constituted, plans and policies were laid down which Mr. Parnell and his colleagues were compelled to carry out on this side of the Atlantic, under pain of supplies being cut off by what was called “the paymasters of the League.” Where has the evidence been produced to prove these sweeping allegations to be true? Has Beach and his bundle of so-called “secret” circulars given a tittle of evidence to substantiate these charges? I affirm, no. The evidence has been all the other way. The official records of the Buffalo, Washington, Philadelphia, Boston, and Chicago Land and National League Conventions have been searched through and have been put in as evidence, and I challenge Sir Henry James to point to anything in these records that can give the faintest possible corroboration to the reckless allegations touching the character of these League Conventions made here by the Attorney-General and repeated over and over again in “Parnellism and Crime.” I affirm the same of the other two League Conventions, that of Trainor Hall, New York, held on the 18th May 1880 (the first of the Land League conventions in America), and the Chicago National Convention of the 30th November and 1st and 2nd December 1881. I have been unable to obtain official reports of these two conventions; but the press reports have been referred to and quoted from over and over again, I think, by Sir Charles Russell and by myself. But newspaper reports of

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these two conventions will, along with the official reports of the other conventions, amply refute the allegations of the "Times" and the Attorney-General with reference to the character of these assemblies. These seven conventions would average 700 delegates each. The names of every single one of the 5,000 or more persons who attended these seven League conventions as delegates will be found in the official records and in the newspaper reports of the proceedings. Let Sir Henry James, with the aid of the staff of the Irish Loyal and Patriotic Union and under the guidance of the spy, Beach, who has been for 27 years associating with Irish Americans in the hope of betraying them—let them go through the lists of delegates attending these conventions and the resolutions which formed the principles and platform of each, and produce if they can any proof direct or indirect that these conventions were anything else but what they purported to be. No such evidence has yet been put before your Lordships. We produce the official records. The "Times" has produced uncorroborated accusations.

I am aware, my Lords, that Beach has handed in his alleged U.B. "secret" circulars, in some of which (those, I think, which followed the Chicago Convention of November 1881 and the Philadelphia Convention of 1883), it was claimed by the authors of these documents that the V.C. or U.B. had in its membership, at each of these conventions, a controlling influence. But this assertion of Beach's circulars is in direct conflict with the published facts relating to both these conventions as found in the official report of the one and in the newspaper report of the other; while the other "secret" documents which have been read in connexion with the Buffalo and Boston League Conventions prove conclusively that the V.C. was numerically nowhere at the one, while it had to issue special orders, according to Beach's testimony, to meet an anticipated direct attack at the other from the Conservative or clerical element.

But, may it not be asked, my Lord, with reference to this part of the "Times" case, its allegations with regard to the League in America, as it also can be asked as to all its charges against that organisation both there and in Ireland, why, if it was believed by the "Times" to be a criminal conspiracy, the "Times" did not instruct its counsel to attack the League at its centre or vital part and prove by the League constitution and the League rules and the official League documents of every kind that have been produced here that it was a murder combination, or any of the other choice things said against it by the Flannagan author of "Parnellism and Crime"? Surely there ought to be found within the official pronouncements of the League, especially the American League, some evidence that would justify the accusers in this case for asserting that the Clan-na-Gael and the League were one organisation. This proof ought to be all the more easy of discovery from the fact that, according to the declaration of the Attorney-General, both Mr. Parnell and all those of his party who subsequently went to America, had to tune their music to suit the advanced tastes of those whom he calls the party of violence in that country. If money could only be got for the League at home by truckling to the leaders of the Clan-na-Gael in the United States, why has the "Times" not been able to prove this truckling in the official acts or documents of the American League, or in even a tithe of the speeches delivered by the envoys who went there from the League in Ireland.

These acts and documents and speeches were published under all the newspaper-extracting pressure of America. Concealment of union, of purpose, of ultimate aim, would be out of the question—would, in fact, be how not to do it, if the "Times" theory be true, namely that Mr. Parnell could not stir hand or fool or obtain any money in America if he did not pronounce in favour of complete national independence for Ireland, or come up to the Clan-na-Gael programme.

Then again, what motive would, could, or should there be in concealing such a union if, as is alleged, the so-called masters of Mr. Parnell made it the *sine qua non* of their support of his policy?

Surely if our real object was to get money in America by proclaiming complete national independence, we would adopt that tone in all our speeches; we would ridicule the idea of being concerned about the land question; we would make "last link" speeches all over the United States as the best means of getting this money, and we would openly avow that we were anxious to co-operate with the Clan-na-Gael in order to get the Clan-na-Gael's support, financial and otherwise.

There was no prospect as far back as 1880, or 1882, or 1883 of this Commission. Those who drew up and published the constitution, rules, and bylaws of the American

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Land League could not possibly have your Lordships' present position in their minds when these documents were issued. Why, then, if the "Times" honestly charged the Land League of America with being one with the Clan-na-Gael, did not the spy Beach produce a single copy of the League's constitution or rules? Why did the I.L.P.U. which prepared the "Times" brief not supply from the columns of the "Irish World" a single official document of the American League? And why, my Lords, may I again ask, was there no mention whatever made, either in the Attorney-General's opening statement, or in any evidence produced by the accusers, of the first Land League Convention that of Trainor Hall, New York, in 1880, the Buffalo Convention of 1881, or the Washington Convention of 1882. It was within the period embraced in those years that Beach alleges what he calls "the real union" was established; yet we look in vain through that part of the "Times" case, covering these years, for even an allusion to these three of the first conventions of the American League, while with reference to the subsequent conventions, those of Philadelphia, Boston, and Chicago, counsel for the "Times" content themselves with a few extracts from two or three speeches made at each convention, and scarcely quote at all from the resolutions or platform which embodied the purposes for which these gatherings assembled.

The "Times" relies upon Beach's secret circulars for proof of this alleged union, but these circulars are so secret that evidence of such union cannot be found there, because no such union ever existed.

How for these so-called "secret" circulars are evidence in this case, I am unable from want of legal knowledge to say. All of them are, I believe, in Beach's own handwriting, and beyond this they have not been, so far traced. No other single person has been produced to whom similar circulars had been sent. They begin and end with Beach, and Beach's only achievements, so far as his evidence here throws light upon his labours as a spy, seem to have been confined to the transmission of these "secret" circulars to his employer, Anderson.

We have had one "Times" witness in the box who was also at various periods selling information to the Andersons of Dublin Castle, a witness upon whose *bonâ fides* the "Times" so far relied as to publish letters received from him which he said had been signed by Mr. Parnell and others. Pigott swore in the most solemn manner that these letters were got by him from Clan-na-Gael agents in Paris. Your Lordships know now what was the real origin of these letters.

Another "Times" witness, Beach, who, like Pigott, associated with Fenians, and gave information to the Government, likewise produced documents which he also swears came from Clan-na-Gael sources. It is on the faith of these documents, backed by the oath of a man of the infamous profession of a spy, who acknowledged having perjured himself repeatedly, that the "Times" relies for its proof that the Clan-na-Gael and the Land League of America were practically the same organisation, and that the dynamite explosions which have occurred in England were carried out by agents of the Clan-na-Gael.

So far as the allegation of one organisation goes, there is not in a single one of the Beach circulars, or in the whole of them combined, a statement, or a boast, or a pretension that the Land League formed part of the Clan-na-Gael body. Boasts there are in one or two of them that members of the Clan-na-Gael were present in the disguise of Land League delegates, at certain League conventions, and that such members acted together so as to influence the election or non-election of certain persons to certain posts; but beyond this kind of cloaked participation in such proceedings, these circulars of Beach's are eloquently silent as to the League being but part of the U. B. organisation, as alleged by employers. If, as the "Times" alleges, the two organisations were really one, and as such carried out a programme of dynamite outrage, why do these circulars give directions to U. B. members to gain admission surreptitiously to the conventions of the Land League? Why, in the instance of this convention of December 1881, at Chicago, at which members of the Clan-na-Gael were to propose the federation of all societies there represented, the proposal was defeated, and defeated, why? Because, according to his own admission, the admission of the circular. "Mr. Collins, the head of 1,000 branches of the Land League," opposed any such proposal at that convention. And, my Lords, if, as Beach has sworn, at page 2510 of the evidence, that a true alliance between the Clan-na-Gael and the Land League or Mr. Parnell was arranged at the U. B. convention of August

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1881 (held in Chicago, I think), why, at the League convention which followed at Chicago three months subsequently, did the leader of the American League organisation oppose, and successfully oppose, the proposals put forward by the Clan-na-Gael emissaries at such convention.

Why, again, may I ask, with reference to two other League conventions, that at Buffalo which preceded, and that at Washington which followed, the Chicago Convention of December 1881, there is in no one of Beach's circulars anything claiming any credit for any appreciable Clan-na-Gael element being even present at these two conventions. I need not, I am sure, call to your Lordships' mind the language of Beach's circular which preceded the Boston League Convention of 1884. Clan-na-Gael men were warned in that circular to be prepared for an attack upon their principles, and there is not in this circular a single word or sentence that does not disprove the allegation of the secret and the open organisations being one body.

With reference to the League convention of 1886, held in Chicago, at which Messrs. O'Brien, Redmond, Deasy, and I attended, I think it has been abundantly proved that the Clan-na-Gael exercised no control whatever over that convention; that Conservative influence predominated, and that resolutions opposed to the policy of the League which had been read at the Ogden Grove demonstration, and which Beach swore he came as a Clan-na-Gael man to support at the convention, were not even proposed at the convention, which adopted unanimously, excepting the dissent on the part of Mr. John Finnerty, the resolutions suggested and the policy laid down by me at that convention. And, my Lord, I say it is an instructive incident, which ought to be noted in this Court, that here is a man in the pay of the British Government, avowing that he went to that convention to support a policy of dynamite, and he had to admit that I, an incriminated Land-Leaguer, went to that convention and denounced and defeated a policy of dynamite, which men like himself, though not as infamous as himself in many respects, came there hoping to get encouragement from the delegates for—

I have purposely passed by, in these comments upon Beach's circulars, the League convention of Philadelphia in April 1883, at which Mr. Alexander Sullivan was elected president. This is the only one of the seven League conventions held in America which can be open to the suspicion of having been controlled by the Clan-na-Gael. I do not admit it has been proved either by Beach's circulars or by his evidence that such control was successfully exercised; as Sullivan's own article in the "American Catholic Quarterly Review," which I have quoted, speaks of Temperance, Catholic, and other non-political bodies as having been on that occasion affiliated with the National League. Then, as it has been pointed out to your Lordships before when speaking of Mr. Sullivan, it is obvious that if the Catholic priests who were present in large numbers at the Philadelphia Convention, together with the other Conservative elements, saw or suspected that the Clan-na-Gael were "running the machine" or "bossing the show" (to use Americanisms) they never would have supported Mr. Sullivan's candidature. We have proof of this in the significant incident which records that Mr. John Finnerty, who attempted to move a physical force resolution at this same Philadelphia Convention, was denied even a hearing and was howled down by the assembled delegates on the occasion.

I contend and affirm that, even if we admit Beach's circulars to be what he represents them to be—and I do not—they do not prove, but they do disprove the allegation of the "Times" that the Land and National Leagues of America were one organisation with the Clan-na-Gael. The direct evidence which has been given by the defence on this point would be unnecessary to refute a charge which the "Times" has utterly failed to make good by the testimony which it has itself produced before your Lordships; and at page 2669, Beach, their chief witness, has said:—

"There was never any circular or communication from the V.C. to the senior guardians to my knowledge in which there was directly or indirectly any reference made to the alliance or understanding."

Now, my Lords, the defence on the contrary has produced and handed in as evidence every official document issued in connexion with the Land League in Ireland and the Land League of America. They ought all to be found on the official minute, or in the possession of the secretary; anyhow, I have copies of them here with me. These documents speak for themselves all the more eloquently from the fact that the

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"Times" did not attempt to introduce even one of them into the case which it has sought to make out against the Land League. Our documentary evidence was full and genuine. Our accusers consisted mainly of Pigott's forgeries and Beach's alleged U.B. circulars. I will deal as briefly as I can with the official record of the American League, as written in the official and newspaper reports which we have put in, in order to disprove conclusively by genuine documentary and public evidence this particular charge of alleged union between the League and the U.B. Before I go into that I will thank your Lordships if you will allow me now to adjourn.

[Adjourned for a short time.]

(*Mr. Michael Davitt.*) My Lords, I was dealing, when your Lordships adjourned, with the evidence adduced by the "Times" to sustain its allegation that the Land League in America and the Clan-na-Gael were one and the same organisation. I made some comments upon the only kind of direct evidence.

(*The Attorney-General.*) My Lord, I have looked through the deposition Mr. Davitt was good enough to hand to me, and as far as that document is concerned I should be only too glad it should be read, but I feel in this difficulty: The other parties are not here, and that is what I was venturing to call to your Lordship's attention at the moment when it was proposed to read something which was not put to the witness in cross-examination. If Delaney had been cross-examined upon it, and any point had been raised, we have other statements which might have been used. The particular document I should be glad to have read, but of course if it goes in it may be said something has been put in by us or at my request in the absence of those who were represented by counsel. Therefore, I feel a great difficulty. As far as we are concerned, we should be only too glad your Lordship should look at it and read it.

(*The President.*) If Mr. Davitt wishes it read, and you do not object, I should not object to it being read; but is it anything you desire to read?

(*The Attorney-General.*) Your Lordship will not forget this: If any particular point be made in reference to particular passages of it we have other statements of Delaney's which, if the point had been put to him in cross-examination, we should have been able to use, anterior in point of time. That seems to be the difficulty of introducing a particular statement at a particular stage.

(*Mr. Michael Davitt.*) Well, my Lords, I would be very sorry if I read anything that might possibly be injurious to somebody's interest who is not here. Not being a lawyer I do not know whether the reading of this document would injure anybody or not.

(*The President.*) At any rate it certainly would invite this, Mr. Davitt. Perhaps you will consider whether you attach so much importance to it?

(*Mr. Michael Davitt.*) Oh, no.

(*The President.*) I was going to say, at any rate, it would involve this. First of all it might involve the necessity of reading other documents which are not before us and possibly of recalling Delaney. I hope we shall not be under that necessity.

(*Mr. Michael Davitt.*) I should be sorry to inflict him or anybody else upon your Lordship. Therefore, I will let the thing go.

(*The Attorney-General.*) I think I ought to add that I see from the document Mr. Davitt has given me that it was in Mr. Davitt's possession on the 19th of April of the present year. Therefore, I think, if it was going to be made use of, it would have been convenient to have brought it to the attention of the Court before this. I mention that as probably an additional reason for not re-opening the matter now.

(*Mr. Michael Davitt.*) I have had so many documents in my possession it has been difficult to put them together and arrange them. However, I do not know whether it was before Delaney appeared or after.

(*The Attorney-General.*) It was after.

(*Mr. Michael Davitt.*) I let that pass. I was just observing that I called your Lordship's attention to the only direct evidence which the "Times" brought before this Court to substantiate its charge that the Land League in America was one with the

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Clan-na-Gael organisation, and I may be permitted to make this further observation' my Lord, with reference to this direct evidence which consisted entirely of the evidence of the spy Beach; that if this man had not come forward voluntarily as he said himself (after having watched the proceedings of this Commission for some time), we are not aware that any direct evidence whatever would have been produced by the "Times" to substantiate its allegation. However, the evidence, such as it is, has been before your Lordships. It has consisted of these so-called secret circulars of the U.B., written all, I believe, in Beach's own hand, and certainly if Beach has done nothing else than expose to ridicule so-called conspirators who wrote these so-called secret circulars, he has achieved more for his paymasters in the way of destroying the Clan-na-Gael by ridicule in that witness-box than he did for the 27 years he has been in the pay of Mr. Anderson and others who employed him. Your Lordships have had the advantage of reading those secret circulars. There is as much secrecy about them as there is about any document which could be brought under the notice of men able to read the English language. It would be as vain for one of Barnum's elephants to try and disguise himself by a lady's parasol held in his trunk as for the authors of these so-called secret documents to disguise their designs by the ridiculous ciphers which they employed. Anyhow, my Lord, this is the only kind of evidence apart from newspaper reports and records that the "Times" has adduced to substantiate what is said in "Parnellism and Crime," and what has been repeated by the learned Attorney-General here.

Now, on the other hand, I propose, my Lord, to go over the line of the evidence of the defence with reference to this alleged alliance. I propose to go over as briefly as I can the printed records, the official records of the seven League conventions to which I have already had to make reference, more or less, in order to meet the special charge brought against myself by the "Times," apart from the charge brought against others, that I had brought others, that I had brought about the so-called alliance between the physical force party and the constitutional party. I have remarked, more than once, that I think all these official documents issued by the Land League in America have either been put in here as evidence, or referred to; anyhow, I have them all here, and I shall be only too glad to give them to Sir Henry James. On one occasion I regret to say I acted discourteously towards the Attorney-General when he asked me for a copy of one of these reports. I should not have refused the copy, and I am sorry that I did on that occasion show discourtesy to the Attorney-General, which he did not repay in kind. However, I have them all here, and I shall be only too happy to give them to Sir Henry James in order that he may meet what I say with reference to these conventions when he comes to address your Lordships.

Now, I have to impress upon the Court this one fact, which has not been sufficiently emphasised even by the defence in this case, that it was Mr. Parnell and not myself who established the Land League of America. I preceded Mr. Parnell. I went to America on my own account, as I told your Lordships this morning, in 1878. I made certain speeches, and made certain proposals, and claimed, with that absence of modesty peculiar to public men in politics, afterwards that probably these speeches of mine in America were the real foundation of the Land League in that country. But facts prove that Mr. Parnell was the first to lay down a programme for the National League of America, as was, I think, stated during his examination in that box. On the 13th of March 1880, on the eve of his departure to Ireland, after the tour he had taken in the United States, he called a conference in the New York Hotel, in New York city. I think the proceedings in that conference were read while Mr. Parnell was in the witness-box. Anyhow, I will just read here the platform or programme which he laid down on that occasion, and which undoubtedly formed the basis of the Land League of America. At this conference these resolutions were put by him and unanimously adopted:—

"1. That in the opinion of this meeting it is expedient that an auxiliary organisation of the Irish Land League be formed in America, in harmony with the organisation in Ireland, and to assist its object.

"2. That the Irish Land League in America be organised by states, territories (and District of Columbia), with an executive council for each, the members of which are to be elected by the several local branches in the

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“ state, each being entitled to a representation in the council in proportion to
 “ membership. The president, secretary, and treasurer shall reside in the same
 “ city.

“ 3. That there shall be a central council in the union, consisting of repre-
 “ sentatives from the several state councils, through whom official communications
 “ and funds may be forwarded to the Dublin Executive of the Irish National
 “ Land League. The secretary, treasurer, and president to reside in the same
 “ city.

“ 4. That a convention of local associations, to elect their state council for
 “ the transaction of business, meet within their states at least once a year.

“ 5. That a convention of representatives of state councils be held yearly
 “ to elect the central council in the same way.

“ 6. That a committee on rules be hereby appointed to draw up suggestions
 “ for the guidance of the councils and the local associations, such rules being
 “ held to be the rules of the councils and associations, unless objected to by a
 “ majority of the branches and councils after the lapse of one month after the
 “ notification thereof.

“ And 7. That an executive committee of this meeting, consisting of one
 “ from each organisation represented, be appointed to select said committee.”

Now that is practically the report put in by Mr. Parnell with reference to this conference, and it is undoubtedly, as I have said already, the foundation of the subsequent fabric of the American Land League.

This gathering was a conference and not a convention, but it was at this meeting that Mr. Parnell, as I have said, identified himself with the auxiliary organisation in America, and I respectfully ask Sir Henry James to note this fact when he comes to deal with what the “Times” has called the American connexion. The resolutions, as your Lordship observes, are silent both with reference to national independence for Ireland and the other matters, which according to the statement of the learned Attorney-General were indispensable to the getting of money and support in America for the Land League in Ireland.

We know, my Lord, what Beach has sworn with reference to Mr. Parnell’s tour in America, that it was managed all through by the Clan-na-Gael. But we also know that upon cross-examination he had to admit that he had no actual information with reference to five-sixths of the meetings addressed by Mr. Parnell, while in the few instances of which he had, or professed to have some knowledge, he said that representative Americans, who were not Clan-na-Gael men, presided, and took the most prominent part at each of these few meetings.

Now, in justice to Mr. Parnell who is not here, I think, with your Lordship’s permission, I may be permitted to give what I call a diary of his tour in America as given by himself at full length in the evidence, in order that he may at least be justified by my limited ability with reference to these charges that the “Times” has brought against him and others who have retired from this Commission. I think it important to deal with Mr. Parnell’s tour in this manner, because his public utterances in the United States, his meetings, the people he associated with, and what they said of him, are all a proof, a solid and unanswerable proof, that the allegations made by the “Times” against him and the Land League of America are groundless, false, and without any evidence whatever to sustain them. I will give with the greatest pleasure a copy of all the speeches made by Mr. Parnell in that tour, in order that Sir Henry James may look over them; and, if he possibly can, find in those utterances of the Irish leader anything which will substantiate the charges that are made against him by those for whom Sir Henry will address this Court.

Mr. Parnell arrived in New York on the 2nd January 1880. The steamer was boarded by a reception committee, the names of which were given by Mr. Parnell in the witness-box, and will be found upon the official minute. He was also met in New York by a deputation from Chicago, headed by Mr. Melville, E. Stone, editor of the “Chicago News,” and others. Mr. Parnell addressed his first meeting in America at Madison Square Gardens on January 4th, 1880, a report of which meeting will be found both in the “Irish World” and in all the New York daily papers of the following day. Some 8,000 people were estimated to be present on the occasion, and he was accompanied to the platform by such well-known Americans as Thurlow, Weed,

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and Judge Gildersleeve, and others whose names were mentioned by Mr. Parnell when he was under examination.

Now, I only propose to read one of the speeches delivered by Mr. Parnell in this tour, though I have all of them here, and will be very glad to hand them to Sir Henry James. But this first speech of Mr. Parnell's in New York practically sums up everything he said subsequently while in the United States. His subsequent speeches were but practically repetitions of what he enunciated at this great meeting. It is natural that, going on such a mission, he would make the most characteristic pronouncement on the first occasion when he would address the American people, and this speech, I maintain, enunciates nothing that is not found in the subsequent speeches; and the reading of this speech will practically be the reading of all the speeches he delivered during that tour. Judge Alker, of the Marine Court, called the meeting to order, and introduced Judge Henry A. Gildersleeve as chairman. I will read Judge Gildersleeve's speech, because it is here comprised in about twelve lines:—

“ Ladies and gentlemen, I thank you very kindly for the distinguished compliment you have paid me in making me chairman of this meeting. It is an honor I highly appreciate. The right to heal on the Sabbath day was established more than 2,000 years ago, and now, upon the first Sabbath of the new year, we have come together to learn how best we can heal the sufferings of the impoverished people of Ireland. It is not my purpose to detain you with any extended speech. You will have the pleasure of listening to-night to one of whom America, as well as Ireland, may justly be proud.”

Mr. Parnell spoke as follows:—

This report, my Lord, is taken from the “ Irish World ” :—

“ Judge Gildersleeve, ladies and gentlemen, I have to thank you in the first place for the kind cordiality of your reception, and I have to apologise in advance for my imperfections, and to regret that the great cause which I stand here to-night to plead before the people of New York has not been entrusted to far abler and better hands. But, ladies and gentlemen, I fear not for the cause. Imperfect and inadequate as must be the way in which I shall place it before you, I feel confident that from its greatness and its justice, it needs no effort on my part to set it before you in such a way as to have the heartiest sympathy of this great and free nation. The American people occupy to-day a proud position in respect to this question, a position which, as one who boasts of some American blood, I feel justly proud. And I am glad when I think I may have had some moral share in directing the attention of this country to our cause. The American nation has, by common consent, been made the arbitrator in this great struggle for land in Ireland. Within the last few days a most extraordinary occurrence has taken place, the landlords of Ireland, for the first time in their history, have recognised their true position as culprits, and have come before the bar of American public opinion to plead their cause as best they may. I rejoice that the pages of the ‘ New York Herald ’ ”—

There is some interruption here at the mention of that paper which it is not necessary to read.

He continued:—

“ There is no necessity to hiss the ‘ New York Herald.’ It has certainly been indirectly of the greatest possible service to our cause. I repeat that I rejoice that its pages have been opened to the landlord's side of the question. I rejoice that a man of great ability like Mr. Kavanagh—

That, my Lords, is Mr. McMurray Cavanagh, of Carlow, a gentleman of very ancient Irish family, a representative landlord, and, undoubtedly, one of the ablest and most intellectual of that class, though physically like other people he had the misfortune to be deformed—

“ has come forward to make the best defence he can for the accursed system that prevails in Ireland. I think people in this country will now feel an interest in

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“ a question which they could not have felt upon a mere *ex parte* statement. And
 “ it is fitting that the people of America should know the very best that can be
 “ said of the landlords. Now, I wish to explain very shortly our objects in
 “ visiting this country, and I may say that the intention we originally formed
 “ has been considerably modified by the pressure of circumstances. Originally
 “ we proposed only to address you on behalf of our political organisation, but the
 “ course of events in Ireland has culminated so rapidly; a terrible far and wide-
 “ spread famine is so imminent that we felt constrained to abandon our original
 “ intention, and to leave ourselves open to receive from the people of America
 “ money for the purposes of our political organisation, and also money for the
 “ relief of the pressing distress in Ireland. We propose then to form two funds,
 “ one for the relief of distress and the other for the purely political purpose of
 “ forwarding an organisation. These funds will be kept entirely distinct, so that
 “ the donors will be afforded the opportunity of doing as they please in the matter.
 “ It has been suggested by a very influential paper in this city that we ought to
 “ devote our attention only to the relief of the distress, and that we should join
 “ the committee which has been proposed by the “New York Herald” for the
 “ relief of distressed Irish landlords and the British Government in general.

“ But if we accepted the very good advice that has been so charitably
 “ extended to us in the shape of words within the last few days, I am afraid we
 “ should incur the imputation of putting the cart before the horse. The cause
 “ of the present distress is an unequal and artificial system of land tenure which
 “ prevails in Ireland. The effect of that cause is, of course, the distress, and
 “ while we take care to do the best we can—and the best we can will be but
 “ little—to relieve the distress, we must also take care that we take advantage of
 “ the unexampled opportunity which is now presented to us for the purpose of
 “ sweeping away the bad system in 1847 and subsequent years. When the great
 “ Irish famine took place America came forward first among the nations with
 “ unexampled liberality. But did the liberality prevent the famine? Did it
 “ prevent millions dying of starvation or the pestilence which followed? Did it
 “ prevent the banishment of many more millions? Did it prevent the scenes in
 “ Ireland in those years—the scenes on board the emigrant ships? No! No
 “ charity that can be given by America will avail to prevent Irish distress. That
 “ must be the duty of the British Government, and we must see that we shame
 “ the Government into a sense of its obligations. Where is the process of charity
 “ to end? Are we to be compelled continually every ten or twelve years to appear
 “ as mendicants before the world? Then I say to the people of this country;
 “ ‘If you wish to rescue us from that position, help us in destroying the system
 “ ‘which brings it on.’ America subscribed, and subscribed liberally, in those
 “ years. The people of Ireland living in this country have been subscribing ever
 “ since. (A voice: ‘It all goes to the landlords.’) My friend in the crowd has
 “ anticipated me by telling you that it goes to the landlords. Yes, your hard-
 “ earned savings that you have sent with such true devotion to your fellow-
 “ countrymen over there, have gone in payment of excessive rents, and in
 “ bolstering up this terrible system. I said just now that we must shame the
 “ British Government into a sense of its obligations to Ireland in this matter.
 “ But I regret that they have shown their usual want of recognition of these
 “ obligations up to the present. What was the Irish Chief Secretary’s reply
 “ to those who waited upon him and urged him to establish fuel depôts
 “ throughout the wastes of Ireland? For I must explain to those who are
 “ not acquainted with Irish matters that almost all Ireland is dependent for its
 “ fuel upon the turf that is cut in the bogs. This fuel, owing to the excessive
 “ rains during the whole summer, is in a state of mud. It is entirely unfit to
 “ burn, and, in addition to the pressure of hunger, we have added the pressure
 “ of cold. Well, Mr. Lowther, when he was asked to establish fuel depôts (and
 “ I only mention this as an example of the way in which our rulers over there
 “ treat this grave question), said: ‘Oh, they have fuel enough to burn bonfires
 “ in honour of the release of Mr. Davitt.’ Because a few dried, or half-dried,
 “ furze bushes were lighted on the Irish hills in honour of the release of Davitt,

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“ this paltry excuse is put forward, gravely put forward, by the responsible
 “ Minister of the Crown.”

“ But if we examine the further action of the Government, we find it con-
 “ tinually marked by the same cold neglect and indifference. The Government
 “ desired to drive the people of Ireland upon the Irish poor law system, and they
 “ have replied in answer to every appeal that they cannot interfere, and that the
 “ ordinary action of the poor law is sufficient to meet the emergency. Now, it
 “ was proved in the years gone by, and it has been proved frequently since, that
 “ the Irish tenant will die in the ditch rather than enter the poor-house, and he
 “ is right. The Irish poor law system is the most ingenious system of all those
 “ received from England for the purpose of slowly torturing our country to death.
 “ The ties of family are broken up; the father is separated from his children;
 “ children from their mother; the wife from her husband; and the wretched
 “ inmates of the workhouse from the day they enter are consigned to what is for
 “ many of them a living grave. ‘All who enter here abandon hope,’ might
 “ appropriately be written on the portals of every workhouse in Ireland. Now,
 “ if in 1846, before the Irish famine had commenced, the question could have
 “ been brought before the American people as it is being brought to-day, whether
 “ by one side or the other, or by both, that famine would have been impossible,
 “ for the Government would have been shamed into stopping it. But what
 “ happened? I do not wish to excite your passions by reference to the past.
 “ You know the past perfectly well. The history of the past is written in letters
 “ that will never be erased from the Irish mind. But we have sufficient evidence
 “ in the present for our purpose. It is now admitted on all hands that distress
 “ is imminent, and the discussion of this question will undoubtedly force the
 “ British Government to take suitable action. Americans will come forward as
 “ they have always come forward, and be the first to help our people nobly and
 “ generously. They must not forget the great value and benefit that is to be
 “ derived from this question, and its open discussion in the face of the nations
 “ of the world. But if, as we have been so frequently advised, we had allowed
 “ the present moment to go by without any attempt at organisation, we should
 “ have had a repetition of 1847 and its terrible scenes. Government neglect
 “ would have been the same as ever; the hearts of our people would have
 “ broken by physical suffering and distress. They would have become disorganised
 “ and exasperated. Evictions in multitude would have taken place. Retaliatory
 “ action would have been adopted by the exasperated masses. We should have
 “ had another ineffectual rebellion. The wild justice of revenge would have been
 “ evoked against the Irish landlords. What a contrast is there. Instead of
 “ chaos and disorganisation, the Irish people now present a remarkable spectacle.
 “ Firm, confident, and self-reliant, with death literally staring them in the face,
 “ they stand within the limit of the law and the constitution, and the first to set
 “ them the example of breaking the law and outstepping the constitution has
 “ been the very Government of the country which has sworn to do right. The
 “ attention of the whole civilised world is centred upon Ireland, and very shortly
 “ the merits of our question will be known in all parts.

“ We have saved the lives of the landlords, and we have saved the lives of
 “ the people. Now I do not wish—in fact it would be impossible for me, in the
 “ presence of this immense multitude—to go into many details. I can only speak
 “ very generally in reference to many branches of this great question; but if
 “ asked, What do you propose? I may state generally that we propose to make
 “ the occupiers of the soil its owners. We wish to do this with as little injury
 “ to what may be considered to be vested interests as possible. No physical
 “ violence, no constitutional action is contemplated, but in my judgment
 “ what—

here the report says two words were lost in the tumult.

“ As I have repeatedly said, American public opinion is one of our greatest
 “ weapons, and the landlords themselves, by invoking that public opinion, have
 “ shown the very high value that they place upon it. I feel that this is a very
 “ great compliment to you that the proud British aristocracy should humble

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“ itself and appear as suppliants before this great democracy. And they have
“ put forward a gentleman—Mr. Kavanagh—a man of signal ability, to plead their
“ cause, and I will do him justice to say that he has been the very best advocate
“ that the circumstances admitted. And this gentleman has advanced a variety
“ of objections to our plans. He has told us that the system of ownership
“ will entail sub-division and sub-letting, and he has pointed to the old
“ history of Ireland before the famine when sub-division and sub-letting
“ did undoubtedly exist to a very great and evil extent, as a proof of the justice
“ of this assertion. But the circumstances, the condition of affairs that we now
“ seek to establish, is very different from that which obtained before the famine.
“ Before the famine the system of renting of land was in force, and that system
“ of renting necessitated sub-division and sub-letting; but we contemplate to
“ replace that system by one of sale. We desire to make land free, so that
“ everybody who has money to buy it may buy as much as he needs of it. Under
“ the system of renting it is impossible to sell. The difficulty of proving a title
“ is so great under the present laws that, in the case of small holdings, the cost
“ of proving the title exceeds very frequently the purchase value of the holding
“ itself. Then, as now, the laws of entail and settlement, were in full force. We
“ desire to abolish the laws of entail and settlement which prevents the natural
“ crumbling away of properties that wise nature has ordained in order to prevent
“ the property of the world from passing into a few hands. Local registration of
“ land titles, such as you have in this country, should also follow, so as to make
“ it as easy to sell a bit of land as it is to sell a haystack or a bale of cotton.
“ Sub-division is also produced by the system of letting, but I contend that no
“ injurious sub-division would take place if we had a free system of sale of land
“ existing in Ireland. I believe that under such a system the size of the
“ farms would be regulated by natural causes; that a man would not care to
“ buy a farm which was too small for profitable cultivation, and in that way the
“ size of Irish farms would by natural causes gradually become suited to the
“ markets, the method of cultivation, and the crops grown. Then we are also
“ told by Mr. Kavanagh of the example of a proprietor who leased in perpetuity
“ their farms to fifty tenants, with the result that they passed into the hands of
“ middlemen. The same reasons that I have just explained induced that action
“ also. If you sell an estate in Ireland and sell the farms of the tenants, if you
“ have the laws of entail and settlement as they now are, if you render it
“ impossible for a man to sell a small bit of land, save at a cost which exceeds
“ the purchase price of it, then in the course of a generation or two you would
“ undoubtedly have those farms back in the hands of middlemen or of landlords.
“ We, on the contrary, desire to arrange the conditions so that they shall be
“ suited to the great change that we contemplate, and we can point to the
“ example of other countries, of France, and of Belgium, where land is limited as
“ it is in Ireland, for the best example of the truth of our reasoning, and of the
“ explanation that we lay before you. Well, those gentlemen have proceeded to
“ make a certain statement, or rather mis-statement of a rather barefaced
“ character. Now, it is a common saying in legal circles over in Ireland, ‘If you
“ have a bad case, abuse the Plaintiff’s attorney.’ And so, I suppose, Mr.
“ Kavanagh thinks the best thing he can do is to abuse us since he knows that
“ his case is hopeless.

“ We do not intend to follow his bad example in this respect. We intend to
“ treat him with the utmost courtesy and consideration, and we hope, if possible,
“ to induce him to come before you again in order to give us opportunities of
“ refuting him again. He tells us that we propose to apply money raised in
“ America to buying out the landlords. He need not be in the slightest degree
“ uneasy, for not one cent of your money will ever go into his pockets. And
“ then he goes on to say that none of it will go to the relief of distress, and that
“ we propose to organise an armed rebellion with it. Well, I have no doubt that
“ many of my fellow countrymen in this country would like to organise an armed
“ rebellion. But I regret to disappoint them also, because I must in truth and
“ honesty tell you that however unpopular such a statement may be, that not
“ one cent of the money contributed and handed to us will go towards organising

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“ an armed rebellion in Ireland. Well, then he goes on to say that a large
“ majority of the land is ‘let at a fair value,’ and he cites himself and his own
“ estate as an example of the fact. I told you just now that I did not intend to
“ abuse Mr. Kavanagh, and I am bound to admit that during the high prices of the
“ last few years his estate was let at a fair value, although I regret to say that he, like
“ some other Irish landlords, has refused to grant the reasonable reduction of rent
“ which has become necessary owing to the extraordinary fall in prices and American
“ competition. But the fact that Mr. Kavanagh’s land was rented at a fair value
“ during the last few years will not excuse the many rack-renting Irish landlords
“ who have taken the last pound of flesh and the last drop of blood. We know
“ too well that the majority of Irish land is high rented, and that a very large
“ proportion of it is rack-rented; and until Mr. Kavanagh proves by statistics
“ that this is not the case, he cannot expect to be believed in supporting the
“ negative on such evidence. Well, then he says that rents are not made in
“ respect to improvements made by tenants. Now, I shall put one landlord
“ against another. In refuting this I shall choose the estate of a large absentee
“ landlord, a class who, as a rule, do not rack-rent their lands, and I shall choose
“ the testimony of a man of Mr. Kavanagh’s own rank and proclivities, an
“ extensive land agent in Ireland, Mr. Stuart Trench, speaking of the barony
“ of Farran. I wish you to recollect, gentlemen, the supposition is that land is
“ raised in respect to the tenant’s improvement. Speaking in his ‘Realities of
“ Irish Life,’ at page 68, of the barony of Farran, in the county of Monaghan,
“ over which he was their agent, Mr. Trench tells us that in the year 1606
“ this whole barony was rented for the yearly sum of 250*l*. ‘What do
“ you suppose is the rental of the barony to-day?’ The rental of that
“ barony to-day is something like 80,000*l*., and the added value of 250*l*. to
“ 80,000*l*. is the work of the tenants. Not anything that the landlord
“ has done has added one penny in value to this property. He hath toiled not,
“ neither hath he spun, and is now in receipt of 90,000*l*., out of a property which,
“ in the 250 years, has been raised by the exertions of these poor people from
“ 250*l*. to 80,000*l*. Mr. Trench admits that this was done by the exertions of the
“ tenants, and not those of the landlords, for he says at page 69, ‘It was during
“ ‘this period that the native inhabitants, few, or even some of whom, were even
“ ‘displaced by the aristocratic owners of the soil, increased and multiplied to a
“ ‘great extent, and that the waste and wild lands were fenced and enclosed, and
“ ‘ultimately converted into the cultivation to meet the wants of this rapidly
“ ‘increasing population, so that in the year 1847, only 74 years after the estimated
“ ‘value of the year 1760, the rental of the estate was raised to upwards of
“ ‘40,000*l*., while the inhabitants had increased, so that by the census of
“ ‘’41 the population amounted to upwards of 44,000 souls.’ Now, ladies
“ and gentlemen, this is the process that has gone on in every estate in
“ Ireland. The example I have chosen was under a better landlord than the
“ majority, and yet you see that during this period the rent roll of this estate
“ has been rolled up to this enormous amount, entirely owing to the exertions
“ of the tenant. I think I am entitled to contend that I have proved by the
“ mouth of Mr. Stuart Trench that Mr. Kavanagh’s assertion that rents are not
“ raised by respect to improvements by tenants is false and utterly groundless.
“ How he tells us also that capricious evictions have not taken place. Well, I
“ say in reply to that, that your own knowledge of the history of the Irish land
“ question suffered in your own person, experienced by yourselves, is a sufficient
“ refutation of such a statement. I have now come to the close of the few obser-
“ vations, I am afraid rather lengthy ones, that I venture to make to you to-night.
“ There are others to speak. My honourable friend, Mr. Dillon, son of the late
“ J. B. Dillon, member for the county of Tipperary, who found in ’48 a congenial
“ home in this country during the few years that he was under the ban of British
“ law as a proscribed felon, would also like to say a few words on this important
“ question. I can only, in conclusion, express my conviction that the time has
“ come when victory is about to crown the efforts of the Irish people in their
“ struggle for land.”

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“ The handwriting has appeared upon the wall, and though vain attempts
 “ may be made from time to time to misdirect public opinion to bolster up an
 “ expiring system, I confidently look forward to the time when the tiller of the
 “ soil in Ireland may, as in other free countries, reap the benefit of his exertions,
 “ and hand that result down to his children, and when, instead of proscribing
 “ labour, instead of offering every inducement to the tiller of the land to allow it
 “ to remain idle and barren, the great exertion which our people have shown
 “ themselves always ready to make when they are working for themselves, and
 “ not as slaves, may be spent upon Irish land, and then I believe that one great
 “ step towards the freedom of Ireland will have been made, that we shall have
 “ put a nail into the coffin of the system of the English misrule in Ireland,
 “ removed one great impediment to the union of all classes and religions there,
 “ and that we shall have the wish of every Irish patriot in all ages realised that
 “ the orange and green may be united, the Protestant and the Catholic enabled
 “ to work together for the good of their country, and no cause may exist to prevent
 “ any class of our countrymen from doing their duty by the land that has given
 “ them birth.”

Now I contend, my Lord, that that speech reported in the papers of that date fairly represents the views put by Mr. Parnell before the Irish people in America, when he went out there with Mr. Dillon, first to appeal for support for the Land League in Ireland, and secondly, to ask the charitable people of America to come to the relief of the distress that was existing then in that unfortunate country. In that speech there is no platform put forward that would suit the tastes of the Clan-na-Gael, as they have been represented here by Beach, and as they are known in their individual pronouncements. There was no talk of uniting one particular organisation, or one particular class with another. It was an appeal addressed to the Irish who were in that vast audience of 8,000, and also to the Irish who by the million are scattered over the broad face of America. Mr. Parnell in that speech appealed to no particular organisation. He appealed to his own race, and to the American people, to back him up in the efforts that himself and his friends were making to bring about such a radical change in the land system of Ireland, as would make the tenant-farmers of that country the owners of the farms they till. In that speech it is obvious that Mr. Parnell had no other means of settlement in his mind than one of legal agitation in Ireland, and of constitutional action in the Imperial Parliament; and in no speech delivered by him during that tour is there any advocacy on his part of any other method, any other line of action, except that of legal and constitutional action.

Now, I shall not read any more of the speeches delivered by Mr. Parnell on that tour, but I will just briefly refer to the places where he spoke, in order that the speeches he delivered on those occasions may be read by Sir Henry James, if he chooses to do so, in order that he may comment upon them when he comes to address the Court.

From New York Mr. Parnell went to Newark on January 6th, spoke in the Opera House, and was escorted to the hall by three military companies, and was accompanied by George B. Jenkinson, President of the Board of Trade, Vicar-General G. H. Doane, Col. James E. Flemming, several Protestant and Roman Catholic clergymen, and many prominent citizens of Newark. The chairman of the meeting was the Rev. Dr. J. E. Forrester, a Protestant clergyman, I believe. The meeting on that occasion was held in the Opera House, and largely attended.

On the 9th January Mr. Parnell addressed the Stock Exchange in Wall Street, New York. He was introduced by President Ives, and spoke to an assembly of 500 stock-brokers on the occasion. On that date, January 9th, Mr. Parnell formed with Mr. Dillon the Irish Famine Relief Fund in New York, and the secretary was Mr. John E. Develin, who issued an address which I think was read while Mr. Parnell was in the box. These extracts are taken as the speeches are taken out of the “Irish World,” and, consequently, several meetings may appear reported under one date, because the meetings might be held on Sunday, Monday, Tuesday, and Wednesday in so many different places, and all the meetings would appear reported in a paper of one particular date. So I give the date of the paper in order that the meetings themselves may be referred to by Sir Henry James, and the speeches read.

Meeting in Brooklyn, reported in the “Irish World” of January 9, Mayor Howell in the chair. “Meeting called to order by United States District Attorney Tenney.”

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Rev. Henry Ward Beecher made a speech. "Letter approving meeting read from the Rev. Dr. Talmage and others."

Philadelphia, January 10, 1880. Meeting in the Academy of Music, the largest theatre in the world. Prominent citizens of Philadelphia present. Clergymen of Catholic and Protestant persuasions, judges, professors, lawyers, distinguished officers, naval and military, journalists, two ex-Governors of Pennsylvania, including Andrew G. Curtin, the Governor of Pennsylvania, General Robert Patterson, the orator, Daniel Dougherty, Dr. Richard Shelton, McKenzie, Rev. Robert Ellis Thompson, Presbyterian clergyman and Professor of Social Science in the University of Pennsylvania, Henry Carey Bird, publisher, the firm founded by his grandfather, Matthew Carey, upon the 400 dollars lent him by General Lafayette. Then other names are also given in connexion with that meeting. Then letters are received from Hon. S. Randall, United States House of Representatives, Governor Hoyt, and the following from G. W. Childs, the editor of the "Public Ledger," who sent a cheque for 1,000 dollars.

Boston, January 12th, meeting in the Music Hall, presided over by Mayor Prince, and spoken to by P. A. Collies, Judge Fallow, and others.

Lawrence, Mass., January 16. Military and torchlight procession, windows illuminated, and streets lined with people. Meeting at Town Hall, Mayor Simpson presiding.

At Lynn, Mass., under the same date, meeting held in the Methodist Church, Major Saunderson presiding.

Providence, R.I., January 17. Messrs. Parnell and Dillon received by the Mayor, Colonel Spooner, late Governor Howard, Alderman Gorman, Colonel Downey, and other prominent citizens. The Mayor in the chair. Music Hall. About 150l. subscribed.

Milwaukee, January 18, 1880. I think this is one of the meetings Beach referred to in his evidence and said was under the control of John Finerty or somebody else of Chicago. Mr. Parnell was escorted from Chicago by a committee consisting of Major Black and others. Chairman, Hon. Edward O'Neill.

"January 19th, Washington. A resolution was passed to-day by House of Representatives of the American Congress, by 96 votes to 42, giving the use of the House to Mr. Parnell on February 2nd to deliver an address to the House."

I think that address was read while Mr. Parnell was in the box.

Indianapolis, January 21, 1880. Met at railway station by Governor Williams, the Governor of the State of Indiana, and a reception committee. Addressed meeting, Grand Opera House, Mayor Cavan in the chair. Governor Williams also spoke. Collection for distress.

Springfield, Ohio, January 23. Addressed meeting presided over by Major Wallace, 1,000 dollars subscribed for distress.

Springfield, Ohio, January 21st and 23rd. There were two meetings there apparently. A German merchant, Mr. Busch, undertook to store and forward, free of charge, the cargo promised by Indiana farmers at the Indianapolis and Toledo meetings.

Toledo, Ohio, January 22. Addressed meeting in Opera House, and made collection. Procession. Thousands lined the streets. Salute of 21 guns fired from a battery of artillery. Mayor Rome presided; Bishop Gilmore and Senator Hurd wrote approving.

Cleveland, January 24th. Great crowd at station; military procession; 50,000 people in streets. Ex-Mayor Rose presided at meeting in Tabernacle. 2,500 dollars collected for distress.

Buffalo, January 25th, 1880. Reception committee: Father Cronin, James Mooney, Hon. Jules O'Brien, Alderman Danahy, &c. Freedom of City presented. Military escort and procession. Academy of Music. On platform: the president and members of the common council, superintendent of police, the U.S. district attorney, and the prominent lawyers, journalists, merchants, and professional men of the city. Judge Clinton took chair, son of New York's greatest governor, Dewitt Clinton. Judge Clinton's speech. General Morton, Hon. L. L. Lewis, and Mr. Matthias Rohr also spoke. 10,000 dollars collected.

Rochester, N.J., January 26th. Mayor presiding. Meeting City Hall. 1,000 dollars collected.

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Albany, N.J., January 27th. Governor Cornell, Mayor Nolan, Speaker Sharpe and Erastus Corning. Military companies and procession. Visit to Assembly Chamber. Introduced to House by Speaker Sharpe.

Albany, January 27th. General Sharpe, Vicar-General Ludden, Revs. Dr. Upson, Mayer, Campbell, &c. Hon. F. H. Woods spoke. 300*l.* collected.

Troy, January 28th. Great meeting there. Amongst others present: The Mayor, General Carr, Judge Strait, Hon. Francis N. Mann, Surrogate Rogers, and other distinguished Americans and Irish-Americans.

New Haven, January 29th, 1880. Meeting in Grand Opera House. On the platform: Rev. Dr. Dennen, Hon. M. Welch, Gen. S. E. Merwin, ex-Mayor Shelton, Hon. N. D. Sperry, Rev. Dr. Kleeberg, Professor Cyrus Northrop, Professor Brewer, and other eminent Americans.

Baltimore, February 16th, 1880. Reception committee, composed of most of the prominent citizens, including the mayor, Ferdinand C. Latrobe, Governor William J. Hamilton, Sheriff Smyth, Postmaster Tyler, and others.

Frankfort, February 18th, 1880. Received at railway station by his Excellency the Governor of Kentucky, Governor Blackburn, the mayor, and Board of Council men of Frankfort. Received the hospitality of the city, and was also entertained by the governor of the station. Received by the Legislature of the State of Kentucky then in session, and addressed both houses and received their thanks for my address.

Wheeling, V. Va., February 18th, 1880. Governor Matthews, chairman reception committee, mayor Sweeny, and most of the prominent citizen members. Addressed meeting and made collection for famine fund.

Hazleton, Pa. Addressed meeting and made collection.

Altoona, February 15th, 1880. Addressed meeting and made collection.

Pittsburg, Sunday, February 18th, 1880. Mayor Liddell, controller McCarthy, &c. Procession through city; crowds lined streets; meeting. Following day were entertained by mayor and city authorities. 1,500 dollars F. F. Visited various industries.

Pittston. Reception committee; military procession; meeting music hall; Rev. N. G. Parks, Protestant clergyman, delivered the address of welcome.

Detroit, February 22nd, 1880. Met at the railway station by the reception committee and a procession formed, and, escorted by a large detachment of police, under command of Captain Myles, we proceeded through the principal streets of the city to the hotel. In the evening we were escorted to the Opera House, when the meeting was held by the knights of Pius V., the National Guards, Montgomery Rifles, the Hibernian Benevolent Societies, and Total Abstinence Societies. The music was furnished by the 10th Infantry Band of the U.S. Army. The mayor of the city presided at the meeting. Governor Bagley was amongst the speakers.

St. Paul, February 26th 1880. Great meeting in Opera House. The mayor, Mr. Dawson, presided. Speech by Bishop Ireland. He is a prominent temperance advocate in the North Western States.

Des Moines, March 2nd, 1880. Legislature in Session. Was introduced to both Houses by the Hon. C. C. Cole, and addressed them.

Springfield, Ill., March 4th, 1880. Received by the whole City Government, and was tendered the freedom of the city. Addressed great meeting at Opera House. The Governor of the State of Illinois, Governor Cullom, presiding.

Dubuque, Iowa, February 27th. Met at railway depôt by Mayor and City Council; 300 members of Catholic Benevolent Society. J. K. Graves chairman of meeting.

Troy. Dr. Baldwin, Protestant minister, and Father Havenmans, Catholic priest, both addressed meeting. Nearly 1,000*l.* contributed by meeting to Famine Fund.

There is no date given to the next. Legislature of Wisconsin granted me use of their Chamber of Assembly for an address, which I suppose will be found in the "Irish World" of that date.

Louisville, February 20th. Railway Company provided me with a special car handsomely decorated for the journey from Frankfort, free of charge. Was received at Louisville by the mayor, Mr. Baxter, and a committee of the principal citizens, and was presented with the freedom of the city by the Council. Spoke at great meeting in Liederbrany Hall, where addresses were also delivered by General Preston and Mr. Watterson; 2,500 dollars collected.

Chicago. Freedom of city presented to us by the mayor and city council. We were received by the Board of Trade. And I think all the names of those who took

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[Continued.]

part on that occasion were read while Mr. Parnell was in the witness box. I have not them here, but particular attention, I think, was given to that meeting by Sir Charles Russell, because the witness Beach swore that that meeting and a few others were under the immediate control of the Clan-na-Gael. Therefore, the names are all printed in the evidence given by Mr. Parnell.

Des Moines, Monday prior to March 3rd. Governor Gear, of Iowa, presided. 2,000 dollars. Peoria, Ills., Tuesday prior to March 3rd. 1,5000 dollars. March 3rd.—Springfield, Ills., Governor Illinois presided. 1,000 dollars. I do not know why the date is given in this way. Probably the date of the meeting in the "Irish World" is March 3rd, and the particular meetings were held on these days before the day of publication.

Richmond, Virginia, March 6th. The Senate and House of Delegates invited us to address them. The invitation accepted.

Now I have gone over Mr. Parnell's tour in America in this manner for the purpose which I stated to your Lordships when asking permission to deal with the evidence which he gave in that manner. I think it is only due to Mr. Parnell to emphasize the fact that in all his public utterances except the one to which so much attention has been given by the "Times" and the Attorney General—the one in Cincinnati, and the accuracy of the report of part of which speech Mr. Parnell calls in question, there are no sentiments akin to those in the "last link" portion of that speech to be found in all these speeches of Mr. Parnell's throughout the United States. If, as I said this morning, his object was to get the money, that only could be got, according to the Attorney-General, by talking to the Clan-na-Gael and uttering sentiments that would be agreeable to the "Irish World," then I must say that Mr. Parnell went in a very strange way about the getting of the necessary funds for the Land League and for distress in the United States. There is not a single speech of his delivered in that tour which can be tortured by any fair-minded person into a reading similar to that which the Attorney-General has tried to give to the Cincinnati speech; and when the Attorney-General said, as he did in his opening statement, that Mr. Parnell could not have stirred hand or foot in America if he had not made that speech, he was showing a very remarkable ignorance of geography so far as the United States is concerned. The Cincinnati speech was the 30th, I think, of the series delivered by Mr. Parnell and Mr. Dillon—some 29 speeches had been delivered before that—and yet the Attorney General says that only for this particular speech, this 30th of the series, which contained these seven or eight lines which have been made so much of—only for that Mr. Parnell would have got no money in the United States and could not have stirred hand or foot; while the facts are (and the facts were open to those who prepared the brief for the "Times," because they are even in the "Irish World") that he had visited 29 cities and delivered as many addresses before he made this famous speech in Cincinnati.

Now, my Lords, I have dealt with the conference which Mr. Parnell called in New York for the foundation of the Land League; I have read his speech in New York, which I maintain is practically the speech that he delivered at subsequent meetings, and I have given the dates of all the subsequent meetings, and I have referred Sir Henry James to the reports in the "Irish World," and I challenge him to find either in the report of that conference, in the programme of that conference, or in Mr. Parnell's speeches, any evidence to justify the allegation that the Land League founded in America by Mr. Parnell was one with the Clan-na-Gael organisation.

The first convention of the American League was held in Trainor Hall, New York, on the 18th May 1880 (I have already referred to it this morning, and I think yesterday when dealing with the special charges brought against myself) or two months following Mr. Parnell's New York Hotel Conference. Mr. John Dillon and I attended the Trainor Hall Convention. It has been stated to your Lordships during the evidence that when Mr. Parnell returned to Ireland from America in March 1880 to take part in the then general election, I proceeded to America (I think on the 9th May), in order to take up the work which he laid the foundation of at the conference of the 13th March preceding. I therefore landed in New York on the very day when this first regular Convention of the Land League of America was being held. It was held in Trainor Hall in New York, and General Collins of Boston presided. A full report of the proceedings, I think, was read either while I was under examination or while Mr. Parnell was under examination, and will be in the official minute.

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I will simply read the resolutions. The resolutions or platform of that first regular Land League Convention are as follows:—

“ Mr. John Boyle O'Reilly presented a report from the committee on resolutions, as follows:—

“ Whereas, a famine has been raging in Ireland for the past six months, and at the present moment hundreds of thousands of the people are being fed by the charity of foreign nations; and whereas, the terrible national affliction is of periodical recurrence, we deem it our duty to declare our conviction that these famines do not arise from natural causes, but are the results of bad laws enacted by the English Government, and maintained despite the Irish people. Therefore, he it—

“ Resolved, That it is the duty of every Irishman to aid to the utmost of his ability all honourable effort made by the Irish people to free themselves from these ruinous laws.

“ Resolved, That we regard the present system of land tenure in Ireland as one of the chief causes of famine and of the chronic poverty and oppression which prevails in that country.

“ Resolved, That the National Land League of Ireland, having appealed to the Irish of America to assist them in removing the cause of poverty, we hereby pledge the earnest co-operation of this organisation to the Irish Land League in the work of abolishing the present English land system and establishing a peasant proprietary in Ireland.

“ Resolved, That while prepared to aid the Irish Land League to the utmost of our ability, we desire to place on record our conviction that the kindred interests of manufacturing, mining, fisheries, and commerce are also being protracted by deliberate and wickedly selfish restrictive legislation, and that poverty must remain the normal condition of the Irish people until they recognise the power to regulate and protect these interests.”

Then an interesting committee on industrial interests was formed, and several well-known American names proposed for it, amongst others, Professor Robert Ellis Thompson, of Philadelphia, and General Garfield, who subsequently became president of the United States. Then the report continues:—

“ On motion of Mr. Harman, of Illinois, a committee of 13 to name officers for the ensuing year was appointed. After a short recess they presented the name of John Boyle O'Reilly for president, but in view of his positive declination, the following ticket was nominated and unanimously elected:—

“ For president, James J. McCafferty, Lowell, Mass.”

The gentleman whom I described to your Lordship this morning.

“ Vice-president, William Purcell, Rochester, N.J.

“ Treasurer, Rev. Laurence Walsh, Waterbury, Conn.

“ Recording secretary, Michael Davitt.

“ Council:—Thaddeus Flanagan, San Francisco; Lawrence Harmon, Peoria, Ill.; Wm. Carroll, Philadelphia; James Gibson, Patterson; J. O. Reddy, Richmond, Va.; P. K. Walsh, Cincinnati; and M. E. Welsh, Providence.”

I think it is right to say with reference to Dr. Carroll, my Lord—what has been repeated before—that he wrote a letter to the “Irish World” saying that he was not present at this conference. He was not a Land Leaguer, and could not accept any position in the Land League organisation. Therefore he did not act upon the council.

This, my Lords, is the record of the first convention of the Land League of America so far as its constitution and platform are concerned. In neither of these do we find the conditions laid down by the Attorney-General which, according to the “Times,” were to govern all actions with the American League. As central secretary of the League, it was my duty to lay down the lines upon which the organisation was to work, to show how financial aid for the League in Ireland was best to be attained, and how. Branches were to be established throughout the Union. In documents which I have put in as evidence I have fully set this forth and described what these plans of mine were. These documents were written and published more than nine years ago.

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The "Times," or rather the J. L. P. U. agent who compiled its indictment against the Land League, had these circulars before them in the columns of the "Irish World" and "Boston Pilot" for May 1880, when the libels "Parnellism and Crime" were being written. That is, the papers of that date, May 1880, were of course within access to the "Times" people when in 1887 the libels "Parnellism and Crime" were being prepared for publication. But there is no reference made in "Parnellism and Crime" to this convention, as far as I know. There is no attempt to prove that the platform laid down there—that the principles enunciated there—were in accord with what the writer in "Parnellism and Crime" said so far as the character and teaching of the Land League in America.

Now, my Lords, though these documents, I think, have been read, and are found upon the official minute, I think it of the utmost importance, for the case I am endeavouring to put before your Lordships, and the defence I am endeavouring to make, that these documents should be read now because they explain in the fullest possible manner what were the means which I laid down near 10 years ago to organise the Land League in America and to get financial aid for the Land League in Ireland. They are not documents prepared during the last two years like Parnellism and Crime; they speak for themselves, and can be found in the papers of contemporary newspaper reports. It is the address of the Council of the Irish National Land League, United States of America, to the Irish race in America.

"On behalf of a famine stricken country, and in the interest of Irish movement which aims at removing the cause of a peoples periodic starvation, we beg to address the men of Irish blood and the people of generous sympathies throughout the United States. Our appeal is not for charity. In conjunction with the Land League in Ireland, we desire that our kindred in the parent land should henceforth be free from the humiliation of a beggars position among nations, and that the liberal charity of this and other civilised countries should be taxed no more in their behalf.

"Coincident with the famine which has reduced nearly a million of our people to the necessity of living during the past six months upon charity from the outside world, and with the alarming exodus of Irelands workers, which is once more draining her of the blood and sinew of the country, a land movement has sprung from the people themselves that has for its object their emancipation from famine and misery by the overthrow of the system of land laws which has proved itself the parent and conservator of both. This movement, through the intense earnestness manifested by the agricultural classes in hundreds of great popular demonstrations—by the orderly determination with which they have asserted their right to a better and more elevated social condition, and through the able advocacy of Messrs. Parnell and Dillon, envoys of the Land League to the United States—has arrested the attention of the civilised world and won a recognition of its reasonable and just demands from the public sentiment of every enlightened community. The National Land League of Ireland has been organised for the purpose of guiding this movement to success, and in order that this purpose may be achieved through means which will appeal alike to the justice and common sense of onlooking peoples, the following statement of objects and plans, particulars of aid required, and details of its proposed application—is placed before the public to show for what its moral support is solicited, and here the kindred race in this country can lend its powerful aid in the work, and know how that assistance is to be utilised in its accomplishment.

"Objects of the League.—The National Land League of Ireland was formed for the following objects:—

"First. To put an end to rack-renting, eviction, and landlord oppression.

"Second. To effect such a radical change in the land system of Ireland as will put it in the power of every Irish farmer to become the owner, on fair terms, of the land he tills.

"The means proposed to effect these objects are—

"(1.) Organisation amongst the people and tenant farmers for purposes of self-defence, and inculcating the absolute necessity of their refusing to take

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“ any farm from which another may be evicted, or from purchasing any cattle
“ or goods which may be seized on for the non-payment of impossible rent.

“ (2.) The cultivation of public opinion by persistent exposure in the press
“ and by public meetings of the monstrous injustice of the present system and
“ of its ruinous results.

“ (3.) A resolute demand for the reduction of the excessive rents which
“ have brought the Irish people to a state of starvation.

“ (4.) Temperate but firm resistance to oppression and injustice.

“ How the Land League expects its supporters in America to aid it in its
“ work?

“ Irishmen in America can give most effectual aid.

“ First. By enlightening American public opinion as to the working of the
“ landlord system and by exposing through the columns of the American press
“ the oppressions and outrages which are practiced on the tenant farmers of
“ Ireland.

“ Second. By the immense moral influence which their support exerts
“ as the people at home encouraging them to be steadfast in the struggle and
“ not to give way to despair.

“ Third. By contributing sufficient means to enable the League to carry
“ on the movement in Ireland on such a scale as is necessary to insure success.

“ Purposes for which assistance is asked from America. Up to the present,
“ through want of money, the League has been obliged to confine its operations
“ chiefly to a few counties. The purpose for which funds are needed are —

“ First. To enable the League to spread its organisation throughout the
“ 32 counties of Ireland.

“ Second. Pending, the abolition of landlordism, to aid local branches of
“ the League to defend in the Courts, such farmers as may be served with
“ processes of ejectment, and thus enable them to obstruct such landlords as
“ avail themselves of the poverty of the tenantry, and the machinery of the
“ law to exterminate the victims of the existing system.

“ Third. To enable the League to afford protection to those who are
“ unjustly evicted. Already the League has been obliged to undertake the
“ support of the families of the men who were recently sentenced to imprison-
“ ment for resisting eviction in one of the famine districts, and it is one sup-
“ porting evicted families.

“ Fourth. To oppose the supporters of landlordism whenever and wherever
“ they endeavour to obtain any representative position in Ireland which would
“ be the means of aiding them in prolonging the existence of the present
“ land laws and perpetrating the social degradation of our people.

“ As an auxiliary to the Land League of Ireland in the work it has under-
“ taken to accomplish, the Irish National Land and Industrial League of the
“ United States has been organized upon an appeal from the parent body. Its
“ objects are to render moral and material assistance to the land movement in
“ Ireland. In the conviction that the primary purpose of that movement can
“ be furthered, and the best interests of Ireland protected and advanced by an
“ equal solicitude for manufacturing, mining, fishery, and commercial industries
“ were, and for centuries past, prostrated by deliberate and selfishly hostile
“ English legislation, we claim it to be a duty devolving upon all earnest Irish
“ reformers to demand for Ireland the right to regulate and protect the
“ various interests which build up the prosperity of an industrious people
“ upon the foundation of their country's developed resources. We have
“ therefore placed this addenda to the platform of the Land League of
“ Ireland, and upon this programme for the social and industrial advancement
“ of an oppressed and poverty stricken people we rest our claim to solicit the
“ good wishes of the American people, and to ask for the earnest and organised
“ co-operation of the Irish race in this country. No movement for political or
“ social welfare has been initiated in Ireland for the past fifty years which
“ failed to obtain the sympathy and support of her exiled children here. The
“ chances of success were never calculated in order to regulate the measure of
“ assistance to be given. A prompt and generous help was the answer to every
“ appeal from the motherland, no matter what party stretched forth its hand

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“ across the Atlantic or what enterprise aroused the national spirit of a banished
 “ people. The cumulative results of unrelinquished struggles at home and of
 “ sustained generosity abroad has placed the land movement in Ireland in the
 “ determined and conspicuous position it now occupies before the world. It
 “ wars only against injustice and misery, and aims at accomplishing only what
 “ is in accord with justice and reason. Its objects are the uprooting by fair
 “ and justifiable means of the system of Irish landlordism which inflicts famine,
 “ suffering, and discontent upon a people that is entitled to a share of that plenty,
 “ happiness, and contentment which every other civilised country has won and
 “ now enjoys. It is a movement which endangers no national principle nor ask its
 “ supporters to forego any reasonable or legitimate aspiration for the future of
 “ their country. It recognises no sectarian distinctions, and refuses no proffers
 “ of assistance from any class or any creed. It is a movement of Irishmen for
 “ Ireland and humanity which endeavours to unite upon all platform men of
 “ all parties, and religions to work all the common good of Ireland and its
 “ people. It asks from the Irish race the material help which is essential to
 “ success, and from the civilised world the sympathy and moral support which
 “ is necessary to secure it.

Signed:—

“ James J. McCafferty Lowell, Mass., President.
 “ William Purcell Rochester, N.Y., Vice-President.
 “ Rev. Lawrence Walsh, Waterbury, Conn., Treasurer.
 “ Thaddeus Flanagan, San Francisco.
 “ Laurence Harmon, Peoria, Ill.
 “ James Gibson Paterson, N.J.
 “ J. V. Reddy, Richmond, V.A.
 “ P. K. Walsh, Cleveland, Ohio.
 “ M. E. Walsh, Providence, R.I.
 “ Michael Davitt, New York City and Dublin, Central Secretary.
 “ Central Offices, University Building, Washington Square, New
 “ York.”

} Central
 } Council.

Now, My Lord, here again in the plainest language we find condensed the whole scope, meaning, and methods of the Land League of Ireland expounded to the Land Leaguers by me in that document signed by the Executive of the first Land League of the United States. In that document it is plainly said of the League in Ireland:—

“ It wars only against injustice and misery, it aims at accomplishing only
 “ what is in accord with justice and reason. Its object is the uprooting by fair
 “ and justifiable means the system of Irish landlordism.”

Well, I contend that this does not come up to “Parnellism and Crime” in its interpretation of the objects of the Land League in America. It does not verify what the Attorney-General has said in his opening statement. There is no appeal there to the classes represented by Mr. John Finnerty. There is even no talk in that document though it was drawn up by me of complete national independence for Ireland. That document written by me as secretary of the League, published before the American people exactly what Mr. Parnell’s programme was, what the programme of the Land League was, as laid down by him at the conference in March 1880 at New York and adopted at the initial meeting of the Land League in Ireland the 27th October 1879.

Now, my Lords, there is another address of a similiar character by me, which I shall not inflict upon your Lordships, because it is already upon the minutes and is in similar character to the one I have just read. But there is one sentence in it which I had better read, for if it is left to the tender mercy of the other side, perhaps it may not be properly understood.

“ Can the year’s celebration—that is the 4th July celebration—can the year’s
 “ celebration be organised with the view of aiding the work of independence now
 “ progressing in Ireland, independence from famine, misery, and social degradation,
 “ and of the causes operating against our parent countries’ contentment and
 “ happiness——”

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(The Attorney-General.) Where are you reading from?

(Mr. Davitt.) A circular issued by me from the central office of the Land League of New York. It is already upon the official minutes.

"I appeal on behalf of the objects of the Land League of Ireland to those who organise these annual demonstrations to devote the proceeds this year to aid the Land League to support the people now being evicted in Ireland and to assist that body in the work of striking down the cause of famine and eviction in that country for ever. Any suggestion by you as to the best means for furthering the ends of this movement in your locality will be gratefully received by your obedient servant, Michael Davitt, Central Secretary."

Now, my Lords, I will now read from a brief document the constitution and rules of the branches which were adopted by the Trainor Hall Convention, and issued by me and my successors in the secretaryship of the American Land League to local bodies of that organisation in the United States. These byelaws and constitution were also printed in the public press, in the "Irish World," the "Boston Pilot," the "Irish American;" in fact, all the organisations of Irish-American opinion in the United States, so that they might, and I am sure that they were read by whoever compiled "Parnellism and Crime." But there is no reference to such constitution, nor to the byelaws; as there was no reference whatever to the last Land League Convention at which this constitution and these byelaws were adopted. The rules and byelaws are:—

"1. Name. The name of this branch shall be 'The Irish National Land and Industrial League of

"2. Object. The object of the association shall be the rendering of moral and financial aid to the National Land League of Ireland.

"3. Government. The officers of this association shall be a president, vice-president, secretary, and a treasurer, to be elected by the general body.

"4. Branch organisation. Each branch or organisation, in wards or otherwise, to elect a chairman, secretary, and treasurer; also one delegate from their body to represent the branch on the executive committee, should [an executive committee be resolved upon.

"Ward organisers: Two members of each branch shall be appointed as ward organisers or canvassers, whose duty shall be to organise the ward or division of such branch and canvass for members, or assistance for the Land League of Ireland.

"Ward organisers can solicit subscriptions for the Land League of Ireland from persons who may not desire to become members of a branch organisation. Such subscriptions to be entered in the treasurer's book as donations and forwarded with membership fees, &c. to the central office.

"5. Membership: Any person paying the sum of one dollar towards the objects of the association becomes a member, and is entitled to a card of membership. The dues shall not be more than one dollar per annum.

"6. The various ward organisations shall report once every three months to the central secretary and produce their accounts whenever required.

"7. The treasurer of each branch shall forward to the treasurer of the central council for transmission to the Land League of Ireland all moneys which may come into his hands, less necessary expense for rent, stationery, &c.

"8. The treasurer of this branch shall pay all necessary expenses for printing, postages, stationery, rent, and such other legitimate expenses as may be incurred.

"9. The secretary shall keep a list of all the members of his branch, write the minutes of branch meetings, join with the treasurer in a monthly report to the central offices, and perform the other clerical work of the branch.

"10. The executive committee, wherever organised, shall hold a stated meeting once a month. They shall elect a chairman and secretary from their own body, and shall have the general supervision of the branches in a city or county. The officers of branches in a city or county, including branch organisers or canvassers, should form the executive committee.

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“11. Each branch shall hold stated meetings at least once a month, and annual meetings on the second of January for the election of officers and for the transaction of such other business as may be brought before it.

“12. The officers first elected by a branch shall hold office until the second Sunday of January 1881, or until their successors shall be elected.

“13. These rules and byelaws may be amended by local branches, if so required, providing such amendment shall not conflict with the constitution of the central body.

“14. Special meetings of the branch may be held on a call by one-fifth of its members or by the executive committee, and it shall be the duty of the secretary to call such meetings. Three days' notice at least of special meetings must be given.

“These rules and byelaws are issued subject to the approval of the central council at its next meeting.

“MICHAEL DAVITT,
“Central Secretary.”

So much for the first Land League Convention in America. These reports of constitutions adopted at conferences and local conventions form the charters of the Land League in America.

They speak in no ambiguous or double-meaning manner. They are bonâ fide Land League pronouncements, and they disprove the charge of identity between League and Clan-na-Gael as completely as Pigott's confession disproved the authorship of Mr. Parnell in the forged letters.

Compare these documents, my Lords, with the alleged U.B. circulars produced by Beach. Try and trace the least possible relationship in meaning or in purpose between the literature of the two organisations, and it will then be seen how ridiculously bold the “Times” allegation is, that the two bodies were really one and the same.

Before I pass from conventions and documents, and League work with which I was personally identified in America, there are two points I desire to call your Lordships' attention to arising out of the allegation that the League and U.B. were identical organisations. I was in the United States, as I have told your Lordships, in 1878 and in 1880; also in 1882 and 1886. Beach in his capacity as spy for the British Government saw me on each of these occasions. In 1880 I was actually his guest in Braidwood, Illinois. I was suffering from sore throat, or cold, or something of the kind, and I think it is only just to him, spy as he is, to say that he prescribed for me, and I believe the medicine did me good. He has been in that witness-box for the “Times”; he has produced circulars by the score and has given a history of his connexion with the Fenian movement and the Clan-na-Gael.

Now the first point to which I desire respectfully to call your Lordships' attention is this: Where in Beach's evidence or in Beach's circulars, is there any mention of me, direct or indirect, as having brought about a union or understanding between Mr. Parnell on the one hand and the American Clan-na-Gael colleagues of the spy Beach? There is no such mention. Beach must have known what I told your Lordships in my evidence that I had visited Clan-na-Gael camps in 1880, and the purpose for which I stated under oath in the witness-box. If I mistake not, he actually introduced me to his own camp in Braidwood, Illinois. I am not certain of it. I would not be at all positive that he did. Why then did he remain silent during the whole of his evidence about these visits of mine? If I attended these meetings for the purpose of effecting a union between the Clan-na-Gael and Mr. Parnell, why did Mr. Beach, when trying to prove such a union, omit all reference to the part which the “Times” charges me with having played in bringing about such a combination between Mr. Parnell's party and the Clan-na-Gael. The answer is—Beach knew I attended these meetings for the purpose explained in my evidence, namely, to explain the Land League to them, as I did to other Irishmen in America, and to prevent, as far as I could, acts of hostility towards the League, such as many extremists on both sides of the Atlantic were advocating, because of the constitutional character of Mr. Parnell's movement. He knew right well I went to these meetings for no other purpose; and he gave no other evidence whatever, either in his circulars or in the box, of having attended such Clan-na-Gael meetings. But whether he introduced me or not

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to his Clan-na-Gael circle, when in Braidwood, I do not know. I do know that he either organised or took a prominent part in organising a public meeting which I addressed in Braidwood under his distinguished patronage. I made a speech on this occasion, which is fully reported in the "Irish World" of the 14th of September 1880. Part of this speech was read during my evidence, and it will be found on page 5598 of the official minute. I will read this portion of the speech, and ask your Lordship whether it is the kind of thing a man would say in America whose alleged avowed purpose was to speak Irish republics and truckle to Clan-na-Gael sentiment. This is a speech which I delivered in Braidwood at a meeting organised by Le Caron, the paid spy of the English Government; at that time not suspected by me, not suspected by anybody, of the part he was playing. He introduced himself to me as a member of the Clan-na-Gael, told me about the part he had played in the raid upon Canada, and the high esteem that General O'Neal had of his military reputation and skill. The conversation he had with me would induce me to speak in a similar strain if my object was what the "Times" alleges, to truckle to the Clan-na-Gael, and to tell the Clan-na-Gael that the Land League was a similar organisation under another name. This is a speech delivered under those circumstances and under such auspices.

"Hitherto our methods have been futile, our strength has been wasted, and at the end of each abortive attempt despair and discouragement have rested upon us. Experience has taught us that our worshipping of idols like O'Donnell and others, and our appeal to arms, that our desires to gratify revenge and exciting of impulses and sentiments were vain and useless. Though no nation or people ever had greater cause for a just indignation and revenge than ours, they neither boded or worked any good results. They courted what the English Government wanted—our defeat as law and order breakers—and at each attempt on our part she was half justified in the eyes of the world in chastising us. Our impulses fed themselves on poetic victories, and our means and lives were sacrificed in these unreasoning directions. To-day we let our reasons govern, we fight landlordism with different weapons; we keep inside the law; we do what all the world will justify; we refuse to see our families starve before our eyes while the landlords live in luxury on what our exertions raise. We have paid, according to Government valuation, many times the price of the land, and in addition to this, as God has given it to us by right of a just occupation, we will not be dispossessed of it. How will we do this? I will tell you, but first let me state why we are becoming so strong and united. In former methods, when we told them to shoulder the musket or handle the pike, we invited them to violate the law, with little hope save death and imprisonment, and such was ever the result. Now we show them how beggary and starvation are to be avoided by union, and that eventually they are sure to be the possessors of the land. That the British Government could not fight a peaceful movement of this nature, and that what was already gained was a promise of certain victory. This movement is not confined to Ireland alone. Already it begins to animate the hearts and minds of the English and Scotch, and the time is not far distant when they will all be united as one man to crush out the system of land ownership that is their curse and bane."

Then there is something omitted which is probably not material.

"Some there be who say shoot the landlords. To this we say no, a thousand times no. It will do no good, it will do a great deal of harm. We stand in need of the moral support of the world. People are very much averse to the shedding of human blood, and wherever our people adopt this course we subject ourselves to the disapproval of those who aid and desire our success. No, my friends, we need resort to no such paltry means of defence. If there must be murder, let the hands of those that uphold a Government that permits such cancers to exist on the body politic be the only hands that drip with the gore of their fellow men. I think you understand the principles on which the Irish Land League looks for and expects success; and we are conscious, as are the landlords throughout the British Empire and throughout the civilised world, that our success means simple justice to the despised and oppressed toilers."

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[Continued.]

That was a speech delivered under the distinguished patronage of the spy Beach. I think the "Times" counsel will find it difficult to discover in that speech anything like what Beach has been trying to persuade your Lordships what was the real programme of the Land League in America, and that it was identical with the Clan-na-Gael.

Now, my Lords, I pass from that to the next convention, that at Buffalo. The following call for this second regular convention was issued by the Rev. Lawrence Walsh, of Waterbury, Connecticut, who was at that time both treasurer and secretary of the Land League of the United States. This also has been read, and will be found upon the evidence, though I cannot give the exact page now.

"Waterbury, Connecticut, December 20th, 1880.—To the Branch Land Leagues and their members.—As I am the only officer now in active service of the national organisation, I am compelled, by circumstances, to call a convention for Wednesday and Thursday, January 12th and 13th, 1881, to be held in Buffalo in St. James's Hall. The head-quarters of the delegates will be at the Lift House. Each branch of 50 members or more is entitled to one delegate, and where the branch has 300 members, it can send two delegates; and on application I will send to each branch two blank forms of credentials, one to be returned, signed, to me, and the other to be used by the delegate or delegates at the convention. I hope every League will try and send its delegate without fail, as we are anxious to have as large a convention as possible.—Rev. Lawrence Walsh, Treasurer and Secretary, Irish National Land and Industrial League, U.S.A."

The convention was held on the dates mentioned in the circular. There were 292 branches represented, in 13 States, by 120 delegates. Among these delegates the names of 25 Roman Catholic clergymen are recorded. The entire list of delegates will be found in the official report.

The following report from the committee on resolutions was read by Rev. T. J. Conaty, of Worcester, Massachussetts:—

"That we firmly believe that Charles Stewart Parnell, Michael Davitt, and their colleagues, should have the constitutional rights of English freemen in their efforts to redress Irish grievances, and we solemnly and emphatically protest against the action of the British Government in instituting a State prosecution of the Irish leaders, as unconstitutional, and aimed at the suppression of free speech, which England proudly asserts as her noblest birthright.

"That we cordially unite with the Irish National Land League of Ireland in deprecating all forms of violence, and earnestly urge the Irish people to continued patience under all provocation, remembering the words of O'Connell, that 'He who commits a crime gives strength to the enemy.'

"That while we honour the sanctity of contracts, we cannot hold a contract to be sacred which leaves to the industrious son of toil no alternative between a rack-rent and the roadside, workhouse, or emigrant ship.

"That our gratitude is due to the American Congress for the sympathy extended to Ireland, and we beg it to continue to use its good offices in the interests of an oppressed, down-trodden people, reminding it of Ireland's service to America in the day of its difficulty.

"That while the Irish National Land League of America earnestly seeks the co-operation and kind words of the liberty-loving press of America, it has never recognised and does not recognise any paper as an authorised organ to speak in its name."

These are the resolutions, or platform, adopted at this second convention of the Land League in America, of which second convention—

(The President.) What is the date of it?

(Mr. Davitt.) It was held, my Lord, on January 12th and 13th, 1881, and I think you will find these resolutions recorded upon the minutes. There was no reference to this convention held in 1881, even when the Land League was very strong in Ireland. There was no reference whatever to this Land League convention by the writer of "Parnellism and Crime," though according to that writer I had brought about a union of the Clan-na-Gael and the Land League previous to that date in America.

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[Continued.]

Now, my Lords, writing of this second, or Buffalo Convention of the American League, the day after its deliberations were over, the "Buffalo Commercial Advertiser," an American, not an Irish-American journal, said—and this is contained in the official report of the convention, which together with reports of all the official conventions are in this volume, and which I will place at the disposal of Sir Henry James, it is page 29 of the official report :—

"The National Convention of Irish Americans now in 'session' in this city is assembled, we take it, for the purpose of stimulating the organisation of the branch leagues throughout the United States, to co-operate in a lawful manner with the great land movement in Ireland. The objects and aims of the Irish Land League are now pretty generally understood in this country. We believe, and doubtless the American public generally believes, that the grievances of the people in the south or west of Ireland, arising from the existing system of land laws, are practically intolerable, and that the methods of the Land League to secure the redress of these grievances are justified by the history of every great concession to justice and popular rights ever wrung from the Parliament of Great Britain. Therefore, we welcome this national convention of earnest men who are seeking to hold up the hands of the Irish agitators, and wish them well in all their efforts to promote the legitimate interests of the cause of their brethren in the old country.

"When we say that the methods of the Irish Land League agitators are justified by the invariable course of the parliamentary reform, we do not mean to sanction assassination, or arson, or violent outrages. These excesses are not countenanced either by the leading agitators in Ireland or by the Leaguers in America. But it is a notorious fact that the British Parliament, although it often does the right thing, never does it because it is the right thing. It never recognises a grievance or makes a concession until people collect in crowds and make a disturbance, burn haystacks, as in '32, break down Hyde Park railings, as in '67, or blow up prison walls, as during the Fenian disturbances a little later. Complaints, petitions, arguments, eloquence—all these the British Parliament will hear with total indifference for years; but as soon as people swear they will not stand it any longer, and begin to smash things, a Bill is sure to be brought in correcting in some measure the evils complained of. Mr. Parnell and his friends have gone to work deliberately to stir up the British lion in order to secure a hearing for Ireland and redress for Irish wrongs, and we firmly believe they will gain their point. Mr. Gladstone understands the logic of agitation like this—no man better—and he is even now preparing legislation that will concede more to Irish tenants than they could have dreamed of winning two years ago."

This is an opinion of an American writer, editing a very influential commercial paper in the city of Buffalo.

Now, my Lords, from the period of this, the second to that of the next, or third League Convention in America, that is from January to December 1881, the League movement in Ireland had grown to enormous dimensions. Events had also marched with extraordinary rapidity, and had caused a corresponding excitement among the Leaguers of America. The arbitrary arrest of myself in February occasioned indignation in every city which I had visited in America, and among the whole Irish-American people. The passing of what is known as Mr. Forster's Coercion Act, followed as it soon was by the arrest and imprisonment, without trial, of other Land League leaders, and of hundreds of men of local influence throughout Ireland, inflamed to an intense degree the passions of all who had been led to believe that constitutional action only would be resorted to by the Government in dealing with a movement which was avowedly constitutional; and when, finally, Mr. Parnell was also thrust into Kilmainham, and with him the entire executive of the League, the whole bearing of Irish-American feeling became intensely embittered again towards England, while the tone of papers like the "Irish World" grew fiercer and fiercer at every new act of arbitrary suppression by Dublin Castle, acts of violence in Ireland which wore the appearance of landlord or castle oppression were answered by inflammatory leading articles in all Irish-American papers, and this helped to swell the volume of indignation set going by the arrest of Mr. Parnell. Extremists, who had

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always described the League as weak and constitutional, and who had ridiculed the notion that England would ever concede anything to the persuasion of moral force, began to exult in the fulfilment of their predictions, and took the opportunity of the League's suppression in Ireland for a propaganda of terrorism in England by dynamite and destruction. The action of Mr. Forster in Ireland appeared as a challenge to every element of disturbance in America and from this forward the advocates of violence and by retaliation grew more and more numerous. Organised societies that had hitherto held aloof from or had acted independently of the League in America, asked for a coalition for the purpose of aiding the people of Ireland in the struggle against coercion and eviction. The two branches of the League—the legitimate one represented by P. A. Collins of Boston, and the "Irish World" branch represented by Patrick Ford—agreed upon a convention of all societies favourable to the policy of the Land League of Ireland and the following call for same was issued, which I think has already been read and will be found upon the official minute.

" Boston and New York, November 10th, 1881. To the several branches of
 " the Irish National Land League and to all organisations in America friendly to
 " the Irish cause. In view of the present crisis in Ireland, and to the consequent
 " necessity for the Irish in America to make full demonstration of all force
 " favourable to the Irish cause, the undersigned hereby unite in an invitation to
 " all branches of the Land League, and all societies favourable to the Land League
 " policy, to send delegates to an Irish National convention to be held in the city
 " of Chicago in McCormick Hall, on the 30th of November, and 1st and 2nd of
 " December 1881. Basis of representation: One delegate for each branch or
 " society having fifty or more members, and one additional delegate for each
 " branch or society having two hundred or more members. Organisations sending
 " delegates to the convention will furnish their representatives with certificates
 " duly signed by the proper officers of such societies, and these credentials will be
 " subsequently passed upon by the committee on credentials appointed by the
 " convention. For services as delegates you are urged to select the wisest and
 " ablest in your respective communities, so that the convention may be thoroughly
 " representative. Patrick Ford, P. A. Collins, John Boyle O'Reilly. On behalf
 " of the American 'Irish' "—

This is the way it is printed.

I think it should have been "On behalf of the American Land League," but it is printed here "On behalf of the American Irish," probably it is taken from the "Irish World,"—I do not know—and that may perhaps explain why these names are put "On behalf of American Irish," instead of, as I think they ought to be, "On behalf of the Land League of America."

" T. P. O'Connor, T. M. Healy, and the Reverend Eugene Sheehy. Repre-
 " sentatives from Ireland. These are the six names attached to this circular
 " which called this convention of November 1881 in Chicago, which although
 " not a regular Land League convention, as it embraced other societies as well
 " as branches of the Land League—for instance, the Ancient Order of Hibernians,
 " temperance societies, and Catholic societies—still as the president of the National
 " League of America was present and took part in the proceedings, and as
 " Mr. T. P. O'Connor, Mr. Healy, and Father Sheehy were present, I think it is only
 " fair to say for all intents and purposes it was a Land League convention.
 " Though I have not got the official report of it in the volume I think the
 " 'Times' itself has put in a report of this convention from some Chicago paper
 " and I think counsel for the defence referred to this convention, as the proceed-
 " ings were reported in the 'New York Irish Nation,' a paper edited, I think,
 " and owned at the time by John Devoy."

Well, Mr. O'Connor, Mr. Healy, and the Rev. Father Eugene Sheehy were at this time in America as delegates from the home League, and their names were consequently affixed to the summons for this convention. This convention, as I have just remarked, was not strictly a Land League convention, in fact I think Mr. Parnell has never recognised it as being a bona fide Land League convention, but as the object of the gathering was to sustain the Land League, and as the call for it was given by the

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[Continued.]

names I have read, I think it only right to call it for all intents and purposes the Land League Convention.

Well, an independent circular was issued by Mr. T. P. O'Connor, Father Sheehy and T. M. Healy, as an invitation also to this convention, and I think it right to read this circular:—

“ THE CHICAGO CONVENTION.

“ Last words of Ireland's delegates on the assemblage at Chicago.

“ To the Irish organisations of America.

“ We deem it right to say a last word on the national convention to assemble November 30th at Chicago, preparations for which are now approaching their conclusion.

“ This convention answers several purposes.

“ The Irish people at home are in the agony of what promises to be the final struggle with landlordism, and the convention is intended to convey to them, in the most distinct and unmistakeable manner, that Irish-America is unanimously and enthusiastically at the back.

“ The significance of the demonstration is that, composed as it will be of all the Irish-American organisations friendly to the Land League cause and policy, it will be a grand embodiment and concentration of all Irish forces that will place unity of aim and the strength of numbers and of material resources before the whole world. The second purpose of the demonstration is to assist the Irish at home in the struggle against the English rule of terror and reign of despotism.

“ All the movements since last February have had a joint object and effect—the first to kill landlordism, the second to kill coercion.

“ At home and abroad the Irish want to prove that to coerce Ireland is no small thing to be attempted, and by no means to be accepted with tranquil patience or mean cowardice. We want to prove that coercion is a means of government in Ireland against which all the Irish race rise in indignant and potent revolt, and to close that phrase of English rule in Ireland once and for ever.

“ And thus the convention is intended to be at the same time a message of hope to the Irish at home of the vast forces they may count on as allies, and a message of warning to England of the vast forces with which she will have to deal.

“ The demonstration ought to give the word of doom to the twin curses of Irish life—Irish landlordism and English domination.

“ Lying accounts from Ireland seek to produce misleading impressions in America. Ireland is represented as lulled by the Land Act, and the majority of the tenants are pictured as seeking the Land Court.

“ It is false, most false. The lull in Ireland is but the preparation for the storm.

“ The rents are just becoming due, and our information is that in the vast majority of cases the rents will not be paid.”

Of course, at that time the No-Rent manifesto had been issued by Mr. Parnell and his colleagues from Kilmainham, and this is the reference made in this circular before this Chicago convention assembled:—

“ The tenants of Ireland at the present moment stand face to face with one of the most trying situations that ever tried the manhood and patriotism of a nation.

“ On the one side, their terrors are appealed to by 40,000 soldiers, 12,000 armed police, and the suspension of all constitutional liberties; on the other side, the obedient puppets of Mr. Gladstone in the land courts make high bids to their cupidity by apparently large reductions of rents; and yet, unshaken by appeals to their fears, and superior to the appeals to their selfishness, the Irish farmers obey the No-Rent manifesto, and remain true to their imprisoned leaders and their outraged homes.”

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“ We appeal to our countrymen to make the momentous convention which
“ meets at such a crisis worthy of the magnificence of the occasion, the magnitude
“ of the issues, and the sacredness of the cause.

T. P. O'Connor.
Eugene Sheehy.
T. M. Healy.

Well, my Lords, this convention was in session on the 30th November, and the 1st and 2nd December 1880. There were about 1,000 delegates present from 33 States and territories. Convention was called to order by John Finnerty in, for him, a wild speech. W. J. Hynes, of Chicago, was elected chairman, and made a brief and moderate speech. The speeches of T. P. O'Connor, Rev. Father Sheehy, and T. M. Healy were more pronounced than those of the American speakers. But Mr. Healy in part of one speech (which I think was read here at an earlier stage) asserted that no body of men in America could dictate to or control the League leaders in Ireland.

The resolution adopted by the convention declared—

“ English rule was without any moral sanction in Ireland; that England's
“ Government was trying to subjugate the Irish nation by evictions and arrests;
“ that the convention would stand by the Irish people in resisting the violation
“ of their liberties; that it endorsed the ‘No-Rent Manifesto’; and that the sum
“ of 250,000 dollars should be raised within 12 months for the movement in
“ Ireland.”

These resolutions were proposed by the Rev. Father Connaty of Worcester, Massachusetts, a Conservative Leaguer. The resolution at the Buffalo convention, which I read to your Lordships a short time ago, addressed to the American people, was also read by the same rev. gentleman and adopted by the convention. The address recites the reasons for the calling of the convention, and then gives a brief resumé of Irish history, and details the harsh measures resorted to by England to crush all reform movement in Ireland. It justifies the Land League, and declares that movement to have been legal and constitutional; deals with it by showing what led up to the adoption of the No-Rent manifesto, and tells the American people that this remedy was the only one short of civil war by which the League in Ireland could strike back at the tyranny which affected its suppression. The address concludes by an appeal for support, and with a laudation of the people of Ireland for their fidelity to their principles. Perhaps your Lordships will allow me to break off here.

(*Sir Henry James.*) My Lords, I should like to have an opportunity of looking at this official report of the Buffalo Convention. Mr. Davitt has treated it as being put in evidence. May I take it to look at?

(*Mr. Davitt.*) Certainly.

Adjourned to Tuesday next, the 29th instant.

“*Uncorrected Proof.*”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT No. 1,
Tuesday, 29th October 1889.

(*Mr. Davitt.*) My Lords, I was making some observations on Friday when the Court adjourned on the Land League Conventions that had been held in America, and I was contending, in line with the evidence for the defence, that these assemblies were *bonâ fide* Land League gatherings, that they met for the purpose of supporting the policy laid down by Mr. Parnell in Ireland, and I called your Lordships' attention to the resolutions and platforms adopted at these gatherings in order to dispute the allegations of the accusers in this case, that these Conventions were Clan-na-Gael bodies, working for an avowed revolutionary purpose. I drew your Lordships' attention to the conference which Mr. Parnell called in the New York Hotel on the 30th March 1880, and read the resolutions there proposed by him, and carried. I then drew your Lordships' attention to the first regular Land League Convention in America, that of Trainers' Hall, New York, which met in May 1880, and as the Court adjourned on Friday I had got as far as the National Convention for a conference that assembled in Chicago on the 30th November, and the 1st and 2nd December 1881. This last Convention was not, strictly speaking, a Land League Convention, as I pointed out, but it had been called by the President of the Land League, in conjunction with Mr. T. P. O'Connor, Mr. T. M. Healy, and Father Sheehy, who were then in the United States on a mission from the Land League in Ireland. I have an official report of the proceedings of this Convention, but a report in the "Irish World," and I think in the "Irish Nation" of New York, and also a report in a Chicago paper, have been referred to during the proceedings here, and speeches made at that Convention quoted from as found in those reports. There were numerous organisations represented at this Convention; there was the Land League proper represented by General Collins, of Boston, and delegates from a thousand branches of that body, then there was a large number of Land League branches represented which had been organised by the "Irish World," the Ancient Order of Hibernians, a benevolent organisation, was also represented there, so were Father Mather's Temperance Societies, and some Catholic organisations, the names of which will be found in the newspaper reports to which I have referred; the Clan-na-Gael were there in a marked quantity, not openly, and I think Beach in one of his circulars makes out that the men of that body at that Convention tried to carry a resolution to the effect that all the bodies and organisations there represented should be formed into one organisation, but this resolution was defeated by General Collins, the head of the Land League in America, and the resolution was consequently not carried. The speeches and resolutions at this Convention were more pronounced in their hostility to England than at any previous gathering of the kind. The Land League had been suppressed by force in Ireland, Mr. Parnell and the other leaders had been imprisoned without trial, and the Constitutional movement had apparently gone down before the Government application of force. Before separating, this Convention voted, that is the delegates pledged themselves, to raise from the League branches two hundred and fifty thousand dollars within a certain date for the support of the No Rent Manifesto policy.

Now, my Lords, the next or fourth Convention of the American League was held in Washington on the 12th and 13th April 1882. Official Report gives full account, speeches, resolutions, financial statements, names of delegates, State represented, and

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[Continued.]

names and locations of all the branches of the League in communication with the secretary. On opening of proceedings General Patrick A. Collins, the president, delivered the following address. After preparatory remarks he said :—

“ We are here to take counsel of one another, frankly, openly, and soberly, to choose new officers in place of those who have borne their part; to review the past and correct its mistakes; to consider our relations with existing bodies; to make such changes as experience suggests in the structure of our organisation; to increase its efficiency and extend its scope; but first and last we are here to preserve and protect the Land League on its chosen lines, and to pledge ourselves anew and for ever to stand by Ireland and her trusted leaders till the great battle is won; Ireland has chosen her leaders. England sees it, and puts them in gaol. More eloquent tribute to the wisdom of the choice could not be given. Ireland has chosen her policy of action; her voice loudly proclaimed it till stifled by force. But that voice has found a mighty echo here, where the greater Ireland is; and to those leaders and that policy our fealty is due till Ireland changes both. As fast and as far as the people of Ireland go, we go, no faster, no further. Those who brave evictions, persecution, ruin, those who stand in the shadow of the prison or scaffold, are the judges of the means, the time, and the work. We are followers, not leaders; we are now and for all time the willing, hearty auxiliaries of the Irish people in every step they take, in every effort they put forth, to rid themselves of landlord robbery and English oppression. If I judge the Irish people right they seek no vengeance, but justice only. In the days of their power and warlike front they never sought to force their rule upon any nation, nor their worship upon any people. They ask now merely to be allowed to live and toil and prosper in their own way, in the land that God gave their fathers. By fraud, force, famine, torture, law, by all means and instruments known to men and devils, England has striven for ages to kill the national spirit and exterminate the race. She stole the land and tried to starve the minds of the people. But mind and spirit and race are Irish still, and the land shall be Irish also.”

Then Mr. John Boyle O'Reilly, of Massachusetts, from the Committee on Resolutions, reported the following resolutions :—

“ Whereas the suffering Irish tenant-farmers look to their kindred in America for sympathy with them in their efforts to better their condition, and to explain the motives of their agitation, and protect their good name before the world from the falsehood and aspersion of the English press; therefore be it Resolved—That this Convention of the Irish National Land League of the United States send to the struggling tenant-farmers of Ireland an expression of profound sympathy from the millions of their race in America, who are proud of their faithful and enduring adherence to the principles laid down by their brave leaders now in prison.”

At that time, my Lords, Mr. Parnell was in Kilmainham.

“ And an earnest assurance that we will stand by them with continued moral and financial support until they have succeeded in abolishing their antiquated and destructive land system.

“ Resolved.—That we heartily endorse the desire of the Irish people for a national existence; and as Ireland, first by force and again by corruption, was robbed of her national birthright, we pledge ourselves to do all that is consistent with American citizenship to place her once more among the nations.

“ Resolved.—That we advise the farmers of Ireland to continue steadily and patiently in their passive resistance which has already proved so effective a weapon. We exhort them to stand unflinchingly by the policy left them by their leaders now in prison, and to keep fresh in memory those words of Charles Stewart Parnell, addressed to them before his imprisonment. ‘ Let no

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[Continued.]

“ ‘ man leave his post. Continue your organisation just as before, and have
 “ ‘ others ready to take the place of those who may be arrested. By this policy
 “ ‘ of passive endurance the Irish people will command the respect of the world
 “ ‘ and prove themselves worthy of freedom.’

“ Resolved—That this Convention instruct its officers to confer at their
 “ earliest opportunity with the council of seven chosen at the Chicago Convention
 “ as to the feasibility of uniting under one head all the Land League branches
 “ now organised in the United States.”

“ Resolved—That we express the gratitude of the Irish American people
 “ to the ladies of Ireland who, like ‘the women of Limerick,’ took the place
 “ of their husbands and brothers, and, assuming the risk of arrest and imprison-
 “ ment, nobly upheld the flag of the Land League.

Resolved—That we are proud of the Christian forbearance of the Irish people
 “ under their dreadful exasperations; and while exhorting every man in Ireland to
 “ continue to use his influence in preventing even the least act of violence, we
 “ solemnly charge the British Government with the responsibility of all crimes
 “ and outrages of an extraordinary nature, occurring since the imprisonment of
 “ the chosen leaders of an indomitable and exasperated race.

“ Resolved—That while we do not ask the release of any citizen who has
 “ violated the just law of the land, we demand of the proper authorities, not as
 “ a favour, but as a right, the immediate trial or unconditional release of
 “ American citizens, confined without accusation in foreign jails.”

At that time also, my Lords, a few men who took part in the Land League in Ireland, and who had become citizens in America while residing there, were in prison, and this resolution has reference to such men.

The date of this Convention was April 1882, four or five weeks before the Phoenix Park tragedy, and I will ask your Lordships to contrast the sentiments of General Collins’ speech, or the tenor of the resolutions read by Mr. Boyle O’Reilly, with the character of the deed of the 6th of May, and see how foreign such a deed was to the feelings and opinions which were voiced in this assembly of American leagues, so short a time before the murder of Lord Cavendish and Mr. Burke.

The next event in the history of the American League which has been dwelt upon by the “Times” as evidence of the allegation of union, was what is known as the “Astor House Conference.” This meeting was called by me when on a brief visit to the United States in the summer of 1882, and the author of “Parnellism and Crime” speaks of it as follows (Blue Book, O’Donnell v. Walter, pages 131–2):—

“ On June 24th, Davitt, Mr. William Redmond, and Mr. William Dillon
 “ reached New York. On the 26th they addressed a great meeting. The Fords,
 “ John Walsh, and other notorious extremists were present, and Mrs. Parnell
 “ received Davitt with effusion. Davitt complained that Mr. Parnell had
 “ criticised his land policy unfairly, but he devoted his whole speech to assuring
 “ the audience that there was no split of any kind in the party. Mr. Redmond
 “ spoke to the same effect. On this occasion Davitt repudiated outrage or
 “ assassination as a means of freeing Ireland.”

Now, my Lords, before dealing with the matter which immediately follows this extract from “Parnellism and Crime,” I wish to dwell for a few moments upon two expressions in what I have just quoted. Flannagan or Pigott, the author of these libels, describes this meeting in the usual “Times” fashion as if it were confined to the men whose names Flannagan or Pigott chose to mention in connexion with it, and those whom they classed under the term “extremists.” What are the facts? The meeting in question was presided over by Judge Van Hoesen, of New York. It took place in the Academy of Music, and the audience exceeded three thousand persons. The speech, which has been described in the words, “Davitt on this occasion repudiated
 “ outrage or assassination as a means of helping Ireland,” is reported verbatim in the “Irish World” of the 1st July 1882, and anything more deliberately suggestive of what is false than this sentence is not to be found in that forger’s and liar’s catechism called “Parnellism and Crime.”

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[Continued.]

I must trespass upon the time of the Court with a few extracts from this speech. The following is the account of the meeting which, according to "Parnellism and Crime," consisted of Patrick Ford, John Walsh, and some other extremists. I am quoting now, my Lord, from the very authority that the writer of "Parnellism and Crime" refers to in his libels with reference to me.

(*The Attorney-General.*) What are you quoting from, Mr. Davitt?

(*Mr. Davitt.*) The "Irish World" of the 1st July 1882.

"The meeting was called by more than 2,000 representative men of the city, under the direction of Professor John P. Brophy, President of St. Louis College; among the signers of the call being the following:—

"Hon. Geo. M. Van Hoesen, Judge of the Court of Common Pleas.
 "Rev. Edward McGlynn, D.D., pastor of St. Stephen's Church.
 "Hon. David McAdam, Judge of the Marine Court.
 "Col. James Cavanagh, Commander 69th Regiment.
 "Prof. John P. Brophy, President St. Louis College.
 "William Henry Harlbert."

At the time editor of a New York paper, now Coercionist chronicler for Mr. Balfour in Ireland.

"Patrick Ford, 'Irish World.'
 "Hugh J. Hastings, 'Commercial Advertiser.'
 "Hon. F. B. Thurber, President Chamber of Commerce.
 "Hon. John McKeon, District Attorney of New York.
 "Louis F. Post, 'New York Daily Truth.'
 "Joseph Hart, 'New York Daily Truth.'
 "Hon. Ben. Wood, 'New York Daily News.'
 "Edward J. Rowe, President 96 Club.
 "Joseph Atkinson, 'Newark Daily Journal.'
 "Andrew McLean, 'Brooklyn Eagle.'

Then follows two columns of names after those I have read giving these names as signers to a requisition calling this meeting which I addressed, and which "Parnellism and Crime" would have your Lordships believe was confined to John Walsh and Patrick Ford and a few other men of the same extreme views.

Now, my Lords, of my speech which has been described as a negative advocacy of outrage and assassination, all of the speakers at this meeting said, referring to me—and I regret, my Lords, that I have to read what is in the way of praise to myself, but in answering these cowardly and unscrupulous allegations I have to pay more regard to interest of truth and justice, therefore I quote what is said by this speaker with reference to the speech which I had delivered before addressing the meeting.

(*The President.*) I do not quite follow you, Mr. Davitt. Is your criticism simply upon the use of these words "on this occasion"?

(*Mr. Davitt.*) Yes, my Lord, these words are quoted in "Parnellism and Crime" representing me as having really advocated assassination.

(*The President.*) No.

(*Mr. Davitt.*) On this occasion.

(*The President.*) You say that implies on some other occasion you had not done so.

(*Mr. Davitt.*) Certainly.

(*The President.*) I only say that is the extent of it.

(*Mr. Davitt.*) I wish to quote not only from my speech to which these words apply, but from one of the speakers at the meeting, to show that this was a most libellous imputation on what I said on that occasion and upon what I said on previous occasions too.

(*The President.*) Reading what you said on that occasion will not meet the insinuation which you allege is contained in the words "on this occasion."

(*Mr. Davitt.*) What I said upon that occasion I contend was in line with what I said on other occasions.

(*The President.*) That would appear also to be the view of the writer of the "Times" that upon other occasions you repudiated outrage and assassination.

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[Continued.]

(*Mr. Davitt.*) I think what he referred to here is to be read with emphasis "on this occasion," but I would trouble your Lordships to allow me to read these three brief extracts from the speech in order that the public may know what I said upon that occasion; and I contend that what I said upon that occasion was in line with what I said on other occasions.

The Rev. Father McGlynn said, referring to me:—

"Having spent a fourth of his young life in English prisons he has not one hard word to say against the English people as distinct from the English Government. He is embittered by no resentment, he cherishes no malice against the land of his oppressor, and declares his intention of labouring in the interests of the English working classes as well as all other working classes."

After your Lordship's observation I will not read all the extracts I intended, but I will quote the concluding words of my speech on that occasion:—

"What are the duties of the hour? Loyalty to the Land League; fidelity to Parnell's leadership as long as Parnell remains true to Ireland, and no longer. (Cheers.) Just and kind toleration of diverging opinions within the movement for the social and natural reorganisation of Ireland. A firm and unflinching front to the opposing powers. Honest, thorough, and unequivocal repudiation of outrage or assassination as a means of helping Ireland. (Applause.) These are your duties and mine, and those of every Irishman throughout the world, with a resolve to so conduct this great Celtic movement on both sides of the Atlantic for the attainments of just and moral ends as to win the sympathy of the American people, command the respect of the civilized world, and vindicate the character of the Irish race."

Now, my Lords, I believe on page 132 in the proceedings of *O'Donnell v. Walter*, the following words appear:—

"Ten days later he"—

that is, meaning myself—

"met the chiefs of the assassination party in conference at Astor House. On Davitt's motion they resolved to form an Irish Confederation with Mr. Parnell's assistance. The resolution was signed by Mr. Boland, Patrick Ford, and Alexander Sullivan, all notorious advocates and contrivers of murder, and by Dr. Wallace of the indignation meeting of May 1882, on behalf of the Executive Committee of the Irish National Congress, by James Mooney and others, for the American Land League;" and here, my Lord, the "Irish World" of July 22nd, 1882, is given by Pigott or Flannagan as authority for this statement, and then the "Times" writer goes on to assert—"The body thus created held its first session at Philadelphia on April 25th, 1883."

Now, my Lords, before going to the very authority quoted for this mis-statement of facts—the "Irish World" of the 22nd July 1882—for a complete refutation of what is here alleged against myself and others; may I be permitted again to remind your Lordships that this language of the "Times" has been circulated all the world over, has been read by millions of people in Great Britain who would never, probably, doubt the accuracy of the quotations from the "Irish World," because it appeared in the "Times," or have an opportunity in case they did, of referring to the "Irish World" of that particular date, after these words were read by Her Majesty's Attorney-General in a court of law in this city. And the same words, with their context in "Parnellism and Crime," have been scattered in special publications by the "Times" as campaign documents against Mr. Parnell and his party into every city and village in these three countries by the hundred thousand.

What reference, my Lords, would any ordinary British reader of these words draw except that I had actually done what is thus stated on the authority of the "Irish World" of a particular date, and that Mr. Parnell had subsequently ratified a scheme formulated by me to men who were declared to be the chiefs of the assassination party,

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And when I prove to your Lordships, as clearly as anything can possibly be demonstrated, that the writer of "Parnellism and Crime" has deliberately written what he must have known to be false, how can a paper that will attack political opponents by moral assassination of this kind, be credited in this whole case with anything but the lowest and basest motives that ever disgraced the honourable profession of journalism.

I have read to your Lordships what immediately follows the lying reference to the Academy of Music meeting. I will for the purpose of sharper contrast read it again. It is page 132 of *O'Donnell v. Walter* :—

"Ten days later he met the chiefs of the assassination party in conference at Astor House. On Davitt's motion they resolved to form an Irish confederation with Mr. Parnell's assistance. The resolution was signed by Mr. Boland, Patrick Ford, and Alexander Sullivan, all notorious advocates and contrivers of murder, and by Dr. Wallace, of the indignation meeting of May 1882, on behalf of the Executive Committee of the Irish National Congress, by James Mooney and others for the American Land League. 'Irish World,' July 22, 1882."

Now, my Lords, I will read from the "Irish World" of the date here given—the 22nd of July 1882. What really transpired on that occasion and who was present appears on page 4, column 4. It is headed :—

"Mr. Davitt's confederation scheme. Preliminary conference in America of representative Irish-American citizens. Call to be issued by Executive of Land League through its chairman, Mr. Parnell, to consider the advisability of forming the Irish race throughout the world into a Celtic confederation for the purpose of hastening on the attainment of free land, free labour, and self-government for Ireland. In reference to America would suggest—

"1st. Convention in each State of elected representatives from all societies in such State desirous of co-operating in the work above mentioned. Representatives to be in proportion to the membership of each society, and to be elected at primary meetings of such societies. No society to be asked to efface its individuality in such confederation.

"2nd. State Convention to elect State Executive for the administration of State business in connexion with temporary federation and for correspondence, &c. with Central Executive.

"3rd. Also to elect one or more members (as may be determined at preliminary conference and subject to decision of State Convention) to represent such State on the Irish Federal Council of the United States. Each member or members not to be members of State Executive, and to be responsible during period of election to State Convention."

Then it goes on to give particulars how these conventions should be called; they are not very material; and then it follows on :—

"The Central Executive Irish National Land and Labour League of Great Britain and Ireland to be recognised as the supreme authority, to which is entrusted the right of deciding upon the ways and means by which the Celtic Confederation can best achieve the end for which it is to be formed—the attainment by moral and justifiable means of free land, free labour, and self-government for Ireland."

Then there is some provision as to the expenditure of funds and my name is signed to it.

"The following resolutions, substantially endorsing Mr. Davitt's motion, were then put and carried. They read as follows :—

Resolved—"That for the purpose of carrying out the resolutions of the Irish National Convention, held at Chicago, and of the General Convention of the Irish National Land League of America, held at Washington, D. C., this Conference earnestly recommend that the executive of the Irish National Land League (of Ireland) be requested to delegate

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“ Mr. Parnell, and others of their number, to meet with this body as soon as
 “ may be for the purpose of devising means and perfecting arrangements
 “ for the union or confederation of the Celtic race in America to effectively
 “ aid the people of Ireland in their struggle for the freedom of the Land
 “ and self-government.”

Resolved—“ That as Ireland is now passing through a crisis which
 “ strains to the utmost the moral and financial resources of the people under
 “ the merciless reign of coercion and eviction, we earnestly appeal to the
 “ whole race in America to steadily continue their efforts in their several
 “ organisations, and to forward ample contributions to enable the Irish
 “ people to fight to the end their great battle. M. Boland, Patrick Ford,
 “ Patrick A. Collins, W. B. Wallace, M.D., D. C. Birdsall, Alex. Sullivan,
 “ A. F. Brown, Executive Committee of the Irish National Congress. James
 “ Mooney, Rev. Lawrence Walsh, John J. Hynes, Central Council of Land
 “ League of America; Michael Davitt.”

It will be observed, my Lords, that 11 names are here appended to the report of this conference in the “ Irish World,” and that no less than five names are omitted by the writer in “ Parnellism and Crime ” when he is dealing with these names. Your Lordship will observe that Patrick A. Collins, the president of the Land League of America, the man against whom not even Beach has dared to insinuate that he ever countenanced violent or extremest action of any kind; D. C. Birdsall, whose name also has never been identified with any physical force policy, and who was, in fact, purely an American politician. Then there is A. Brown, against whom no charge has been made here or elsewhere. Then there is the Reverend Lawrence Walsh, the treasurer of the Land League of America, a noted citizen of Waterbury, Connecticut, who with Messrs. Collins and O'Reilly was a recognised leader of the Conservative elements in the American League. Then John J. Hynes, secretary of the Land League of America, who has not been even charged with having been a member of the Clan-na-Gael. Your Lordship will doubtless remember there was another Hynes of Chicago, who, according to Beach, was a member; but this John J. Hynes, the secretary, was not a member of the Clan-na-Gael.

Now, my Lords, apart altogether from the allegation made against me in charging me with submitting a certain scheme to men who are styled “ the chiefs of the assassination party,” are the names which I have just read out, the names omitted by Pigott or Flannagan in the “ Times ” article. Are these the kind of men who would meet persons that could be justly stigmatised in the “ Times,” and be defamed as men who could have anything to do with a party of assassination? I feel certain your Lordships will at once appreciate the motive which induced the author of these libels to mention only 6 out of 11 names for the purpose of calumniating me all the more easily by deliberately suppressing other names against whom no charge whatever has been made, or ever could be made anywhere in England or in America. But, my Lords, I deny the charge made against the men who are not as conservative in their views as Father Walsh, General Collins, Boyle O'Reilly, Mr. Brown, and Mr. Hynes. Upon what evidence they base their charges, that Boland, Sullivan, and Patrick Ford were notorious advocates of violence to murder, I do not know. It is true Patrick Ford has written criminal articles that cannot be too strongly reprobated in the “ Irish World ” as to the use of dynamite; but I do not know that Patrick Ford has ever advocated the cowardly policy of murder.

Now, my Lords, there is another name referred to here, and referred to in a manner which is insinuating that he was an apologist for assassination. There is Dr. Wallace. He is referred to by the Attorney-General in *O'Donnell v. Wallace*, as of the indignation meeting of 1882. In the opening statement of the Attorney-General, this meeting is that spoken of by him at pages 234 and 235 of the evidence.

The learned Attorney-General gives the “ Irish World ” as his authority, and this is what he said:—

“ Dr. Wallace said in the course of his speech, supporting Major Horgan's sentiments, that he agreed with Major Horgan's sentiments, but he repudiated the suggestions that the resolutions condoned with the British Government.”

Now, my Lord, I will go to the “ Irish World ” report, which presumably the Attorney-General saw and read before he represented Dr. Wallace as speaking only in

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this sense about the Phoenix Park murders. And Dr. Wallace's observations on that occasion are found in the "Irish World" of the 27th of May 1882, page 3, column 2:—

" Dr. Wallace in the meantime came forward and made some very earnest remarks, saying that Ireland's battle must go on till the rights of manhood and Ireland's independence were accomplished facts. 'Who,' he asked, 'that is in favour of dynamite or the dagger would be willing to suffer more for Ireland than Davitt.' They have organised the Irish people and championed her rights, and now a trick has snatched away the victory within their grasp. Irishmen, stand by Parnell and his men, and strengthen their hands. No landlord could have devised a better scheme to strangle Ireland than the deed perpetrated in Phoenix Park. Parnell, Davitt, and Dillon go on, and the Irish in America will sustain you. Begin your work over again and we are with you until England admits that coercion was a crime."

Well, the man who uttered those sentiments is personally known to me. He is a medical gentleman in New York, and I know that there is nothing more foreign to that man's mind than the idea of assassination. On this occasion, at this very meeting, the mayor of New York presided—Mayor Grace. It was an indignation meeting to denounce the assassination of Lord Frederick Cavendish and Mr. Burke, and I think it well, with your Lordship's permission, in justice to the man who presided and to the thousands who went to that meeting, to read briefly here what the Chairman said on the occasion, and to read also resolutions which were submitted to the meeting. The Chairman said:—

" We had hardly recovered from our first surprise when there came to us the dreadful news of the assassination. The Chief Secretary had scarcely landed upon Irish soil, when he and his companion were stricken down, and in striking them a staggering blow was aimed at the very cause for which Parnell and the Land League had struggled and suffered. But, thank God, not a true Irishman lives who has not repudiated this thoroughly un-Irish deed. Until to-day, we believed that England must see that her representatives died at the hands of Ireland's enemies and not of Ireland's friends. But the new Bill just presented resorts to unwarranted means which I predict will be a failure."

Then he makes some reference to the policy of the Land League, which are not pertinent to this subject.

" The resolutions were then read by Dr. Maguire, which, after condemning the assassination, resolved—That the Irish people should not be held responsible for the acts of unknown criminals with whom they have no community of interest, or sympathy, and the imposition upon Ireland of the law last night offered by the Government would be a greater wrong than any to which Ireland has yet been subjected. Resolved—That the employment of brute force, whether by the dagger of the assassin or by organised military power, and by whomsoever used against the unarmed and defenceless, as instance respectively the murder of the Secretaries, and the slaughter of innocent women and children at Ballina and elsewhere, is a crime against humanity, and the civilisation of the age, and that its employment is only calculated to aggravate the situation and to embitter the feeling between the contending parties."

Then after these resolutions had been read a few more like these I have read follow. After the resolutions were read the Hon. Richard O'Gorman, who was present as one of the speakers, spoke as follows: I will only quote a part of his speech:—

" The taking off of Lord Frederick Cavendish and Mr. Burke was murder pure and simple; and there surely can be no need that Irishmen in New York, law-abiding citizens, civilised and Christian men should pronounce the deed a black and bloody crime, and indignantly repudiate the idea that the Irish people, or any party or section of that people, should be held directly or indirectly responsible for it."

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Your Lordships probably do not know the social position which now ex-Mayor Grace and Judge O'Gorman hold in New York City. But if your Lordship were as familiar with the Irish in New York as I am, it would not be necessary for me to say one word here with reference to these two gentlemen. They never would have gone to any such meeting if they had the slightest notion that men like Major Horgan and a few of his followers would come and rage their insensate nonsense about a policy of revenge.

The next, and last name of the 11 members of the Astor House Conference, was that of James Mooney, who was the second President of the Land League of America. Not one word has been proved here against Mr. Mooney that could even create the suspicion of his connexion directly or indirectly with outrage or crime.

I have thus, my Lords, shown, I hope, conclusively that the "Times" has again, in this instance, when dealing with an act of mine in America, both suppressed the truth and suggested what was false in asserting that I had met in conference the alleged leaders of an assassination party, when in reality, and according to this very authority which appeared to be quoted from, I met and conferred with 10 persons, seven of whom nothing criminal can fairly be charged against, while two of the remainder are but alleged to be what no evidence has been adduced to convict them of. And then, my Lords, as a fitting climax to this reckless and wholesale imputation, the writer winds up with a statement that is absolutely false, where he says at page 132 of *O'Donnell v. Walter*, 15 lines from the top:—

"The body thus created held its first session at Philadelphia on April 25th, 1883."

Now, my Lords, there was no body of any kind created as a result of this Astor House Conference. Certain suggestions, plans of mine, were submitted and approved of there; but as I have said in my evidence, and as I wrote almost immediately after coming back from America to the New York press, Mr. Parnell, to whom I submitted my plans of the Celtic Confederation, refused absolutely to have anything to do with it whatever. Therefore no resolution and no body of any kind was created, and no action followed this Astor House Conference referred to in this manner in "Parnellism and Crime."

Now, my Lord, the next and the last event in the history of the American League with which my name and acts have been written of in "Parnellism and Crime," and quoted by the Attorney-General in *O'Donnell v. Walter*, at pages 134, 135, and 136, and calls for some few observations from me. This is the Convention of the National League held in Chicago in August 1886. I have to pass, in the order of time, two Conventions to come to that of 1886; but as I took no part in either of these, that of Philadelphia held in 1883, or the Boston Convention of 1884, and not having been accused of participation in either, I pass these events by for the present, in order to deal consecutively with the more personal charges which I have to meet. I will, however, return to the Conventions of Philadelphia and Boston for the purpose of making some general remarks upon the evidence that has been offered for and against the allegations made as to the real character and acts of these gatherings. For the present, however, I confine myself to the charges that are made and implied against myself and others, by what I maintain is falsely and maliciously put forward, in the words of the Attorney-General, in the case of *O'Donnell v. Walter*, which will be found at pages 134 and 135 of the blue book. Before, however, I quote these words, the sentence which immediately precedes the language upon which I am going to comment later on demands some notice. It is this:—

"A year ago last October, Miss Ellen Ford, the gentle dispenser of Pat Egan's 'Martyrs' Fund for the encouragement of political murder, had issued circulars requesting contributions to a testimonial for Mr. Parnell."

Now, my Lord, there has not been the remotest attempt made in this Court to substantiate this atrocious charge against Mr. Egan. He never established any such fund. There has been no proof submitted here that any fund with that object was organised anywhere. The fund referred to in "Parnellism and Crime" was that started by Patrick Ford for the relief of the families of those executed or imprisoned

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for complicity in the Park murders; and while it might be permissible to argue that the collection of money for such a purpose might possibly wear the appearance of rewarding the families of men guilty of political assassination, it is as unfair to so stigmatise the action of those who raised this Martyrs' Fund as it would be to charge the contributors to the Discharged Prisoners' Relief Fund here in London with subscribing for the support of burglary and the other crimes represented by the ex-convicts who have been thus relieved by that society.

But, my Lords, what are the actual facts touching this specific charge against Mr. Patrick Egan?

(*The President.*) It occurs to me in passing, Mr. Davitt, that those who contribute to that fund do not call persons to whom assistance is given martyrs.

(*Mr. Davitt.*) That is true, doubtless, my Lord, and I am sure that those who contributed to this fund that Patrick Ford established never contributed money for the purpose of encouraging assassination. After all, as I said in my evidence, these men who committed that horrible deed paid the penalty of the law, and their families are surely not to be condemned for what these guilty members of these families did. I am not defending the action of Patrick Ford in this matter, but I know the Irish race in America so well that I repudiate on their behalf the idea that they would under any circumstances subscribe money for the purpose of rewarding or encouraging assassination.

Well, my Lord, in the "Irish World" of the 14th of May 1884 the writer of "Parnellism and Crime" finds it recorded that one P. B. Egan has attended what is called a Brady anniversary. The "P" is written down "Patrick" and the "B" is dropped altogether. And in this manner the recorders of the "Times" are told that Mr. Patrick Egan, ex-treasurer of the Land League, was not only present at the Brady anniversary, but had organised "a fund for the encouragement of political murder." All I wish to say on this infamous system of deliberate moral assassination that it is in every way worthy of the "Times."

I must say, in justice to the Attorney-General, that when it was represented to him by Sir Charles Russell at page 244 of the evidence that the "P. B." Egan of the meeting alluded to was not Mr. Patrick Egan, who is at present, as your Lordships are aware, United States Minister at Chili, the learned Attorney-General at once withdrew the allegation, and expressed regret for what he termed the mistake that had been committed.

Mistake I am sure it was, so far as the Attorney-General was concerned; but with respect to the author of "Parnellism and Crime" it was not a mistake. It was done deliberately. The "P. B." Egan was made "Patrick" Egan by that writer in order to stigmatise by a foul accusation the treasurer of the Land League. I have done justice to the Attorney-General by saying that when the matter was pointed out to him he apologised. But, my Lords, this thing has gone throughout the civilised world. Mr. Patrick Egan has been charged with subsidising assassination, and yet there has been no apology made in this Court for the awful wrong.

I come now, my Lords, to the references made to the Chicago Convention, and my own and others of the defendant's acts, and words thereat. Here is how the Attorney-General began his accusations in *O'Donnell v. Walter*, page 134:—

"The chief organisers of the inhuman feast we have described, unsurpassed
"for cold-blooded ferocity in the annals of Christendom, re-assembled at Chicago
"last August, to mould the policy of Mr. Parnell's constitutional movement."

Now, my Lords, I might refer to the annals of Christendom and narrow them down to the annals of English rule in Ireland, and I might in going very far back in those annals read to this Court of atrocities and murders the like of which probably could never be found in the history of any other Christian nation. But I shall not inflict what I intended quoting upon this Court. I will simply show you how calumnious this statement was, and how little foundation there was for the writer of these words to make this sweeping charge against those who did go to Chicago, and who upheld Mr. Parnell's policy there. The page of the first volume, my Lords, of the evidence is a little awry.

(*The President.*) Yes, it is.

(*The Attorney-General.*) I think it is page 249 you want.

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(*The President.*) I do not know how you have got it, Mr. Davitt, but I have mine corrected. What is page 50, as printed, becomes page 134.

(*The Attorney-General.*) It is much later than that, my Lord. I expect page 249 is the page Mr. Davitt wants. The double page only goes to a certain point as your Lordship knows, and then the paging is right.

(*The President.*) Yes, it goes up to page 141.

(*Mr. Davitt.*) The statement is, my Lord, that Rowe, of the New York Emergency Club, was among the delegates; and at page 251 of the evidence, the Attorney-General has asserted, but upon what authority he did not say, that this Rowe had, as a matter of fact, framed the very resolutions that were adopted at the Convention. Now, as a matter of fact, it was I who suggested the resolutions to a committee appointed by the Convention for that purpose, the names of which committee are given at page 11 of the official report which has been put in as evidence for the defence. I was present when the resolutions were framed. As a matter of fact, No. 2, the name of Rowe does not appear among the list. As a matter of fact, No. 3, the name of Rowe is not found in the list of delegates to the Convention, and I challenge Sir Henry James to find it among the 1,027 names given in the said list from page 15 to 22 of the official report. And, as a matter of fact, No. 4, the Attorney-General's matter of fact about Rowe was no matter of fact at all but matter of fiction.

Now, my Lords, I must reply to this remaining jumble of misrepresentation about myself and others at this Convention, by reading such extracts from the official report of the proceedings as have been referred to or put in as evidence during Mr. Parnell's and Mr. O'Brien's and my own examination here. I must first observe that the Attorney-General quoted from a speech by Ex-Congressman Finnerty, which he said was delivered at the Convention (page 251), but it so happened that the speech thus referred to was not delivered at the Convention at all. The speech was delivered some days before the Convention, at a public demonstration in Ogden Grove, Chicago, at which I was the principal speaker. This demonstration had nothing whatever to do with the Convention; it was one of a series of annual demonstrations organised by the Irish societies of Chicago and held in the month of August. Neither Messrs. O'Brien, Redmond, or Deasy were present at this Ogden Grove demonstration, at which Finnerty used the words quoted by the Attorney-General as have been spoken at the Convention. The Attorney-General was also wrong when implying (page 252) that my observations, which are not given correctly, were made at the Convention. The words quoted were spoken at the Ogden Grove demonstration, and as a wrong inference has been placed upon them, I will trouble your Lordships to listen to what I really did say on the occasion. Although on second considerations they have been met so often by Sir Charles Russell, I think I will spare your Lordships the infliction of them again. I do not think their accuracy will be called into account by the other side as they are found on the Minutes of Evidence. Then, my Lords, I think during my evidence, Sir Charles Russell read a leading article from the Chicago paper, commenting upon my opposition to the sentiment of violence and dynamite that was spoken of by Mr. Finnerty on the occasion. But I do wish to quote again, though it has already been read and is on the minutes, some observations made by the chairman of this Convention, Mr. Fitzgerald, of Cincinnati. He said:—

“ It has been mooted about in some dark corners that a resolution or
 “ resolutions would be presented and perhaps adopted here to-day, dictating
 “ a policy to those directly interested in the objects of this Convention.
 “ There may be a madhouse not far from here. There may be an escaped lunatic
 “ from that madhouse. But, lunatic or not—no matter who it may be—I predict
 “ from looking over the honest countenances that I see before me, from looking
 “ over the men who year after year have been trying to win for Erin liberty;
 “ that if such a being should dare show his brazen head in this Convention, and
 “ should for one moment direct Charles Stewart Parnell, and the Irish Parlia-
 “ mentary Party representing the Irish people, should direct or dictate to them a
 “ policy, I anticipate that your serjeant-at-arms could not prevent this multitude
 “ of good and true men from rising in their might, and as quick as lightning
 “ ejecting the crazy fellow that rose to do so.”

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Then there are other observations of the chairman in line with that. He says:—

“ In proportion as you say, unqualifiedly here, that no matter what we may think of one policy or another, we have no policy here to discuss or to act upon except the policy presented by Davitt and by the representatives of the parliamentary party, who are the mouthpiece of Charles Stewart Parnell.”

Then, my Lord, the Committee on Resolutions reported the following resolutions which formed the platform of the Convention, and was, in fact, the work for which the Convention assembled:—

“ The Committee reported the following resolutions and they were adopted, with but one dissentient, Mr. John Finnerty, out of a total number of 1,027 delegates.

“ Resolved—We, the delegates of the Irish National League of America, in Convention assembled, firmly believe in the principles of human freedom and the right of a people to frame their own laws, a right which lies at the foundation of the prosperity and greatness of this Republic, and which has been advantageously extended to the colonial possessions of Great Britain, do hereby resolve:—

“ 1. That we express our heartiest and most unqualified approval of national self-government for Ireland.

“ 2. That we heartily approve of the course pursued by Charles Stewart Parnell and his parliamentary associates in the English House of Commons, and we renew the expression of our entire confidence in their wisdom and in their ability to achieve Home Rule in Ireland.

“ 3. That we extend our heartfelt thanks to Mr. Gladstone for his great efforts on behalf of Irish self-government, and we express our gratitude to the English, Scotch, and Welsh democracy for their support given to the great Liberal leader and his Irish policy during the recent general elections.

“ 4. That this Convention hereby return its thanks to the American people and press for the generous support which they have given to the cause of self-government in Ireland.

“ 5. That we record our sense of the remarkable forbearance and self-restraint exercised by our people in Ireland in the face of the cruel and dishonest system of extortion to which they are being subjected by rack-renting landlords, and in view of the license scandalously extended to organised lawlessness in the north of Ireland by partisan officials, and we commend the laudable desire of the people of Ireland to manage their own affairs in their own way.

“ 6. That we hereby thank the president, treasurer, and secretary of the Irish National League for the faithful and efficient manner in which they have discharged the arduous duties of their respective stations.

“ 7. That the following cablegram be forwarded, in the name of the chairman of the Convention, to the Hon. Charles Stewart Parnell.

“ Delegates of the Irish National League Convention of America send greeting from our body, which embraces representatives from every State and territory in the Union and also from Canada, and assure you of a cordial endorsement of your policy by a united and harmonious Convention.”

Then, my Lord, there follow speeches by Colonel Atkinson, of Detroit, John E. Redmond, and others that have already been quoted from. I will only quote one sentence from Colonel Atkinson's speech:—

“ I know that in many Irish hearts there may have been some disappointment at the recent results of the English elections, but I know that every thoughtful man will respond gratefully to the work done by Mr. Gladstone in uniting the democracies of England, Scotland, and Wales in favour of the great principles of Home Rule.”

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Financial and other reports were then read, and other routine matters were attended to. The election for president, in the room of Mr. Egan, who resigned, resulted in the adoption of John Fitzgerald, of Nebraska, who is president still of the American League. More speeches were made by Messrs. O'Brien, Deasy, and myself, the task falling to me of practically winding up the proceedings with a vote of thanks to all concerned in promoting the harmony of the Convention. It was at this stage that Mr. John Finerty appeared and made the speech which is referred to in "Parnellism and Crime," and which has been quoted by the Attorney-General. I took exception to that speech of Mr. Finerty's, and spoke as follows. I think it well to read this again, though it has been read before:—

"Mr. Davitt came to the front and was cheered. He regretted that he had to intrude again upon their attention, but he could not, representing the men at home as he did with his colleagues, allow Mr. Finerty's speech, coming as it did unexpectedly, to go without a few words of reply. Mr. Finerty had travelled over the pages of Irish history; had repeated all the crimes of which England had been guilty towards Ireland, but did not go back to the Deluge and find fault with the Almighty Creator.—(Cheers.)—'But I find,' said Mr. Davitt, 'men who are the loudest in denouncing moral force and speech-making, are always the most prone to come forward and make speeches.'"

I am quoting from the report.

(The President.) What report are you quoting from, Mr. Davitt?

(Mr. Davitt.) From the official report of the Convention.

(The President.) I do not remember it.

(Mr. Davitt.) Oh, yes.

(The President.) I am not desiring to interrupt you. I only want to get a reference to it. Have you got that?

(The Attorney-General.) I do not know whether that is a document which is in.

(Mr. Davitt.) This speech of mine was read.

(The President.) I think it was handed to Sir Henry James for him to have an opportunity of examining it.

(Mr. Davitt.) Yes. This speech of Finerty was referred to before. In winding up my observations about this Convention, I thought it well to read my remarks again, owing to something which Beach said in his evidence to the effect that the Clan-na-Gael had met in secret caucus the evening before this Convention and had resolved upon the resolutions and who the chairman was to be, and what the policy was to be which was to be carried out.

"'I have not insulted Mr. Finerty,' said Mr. Davitt, 'and I am not going to be intimidated by anyone.' He had not, he went on, called into question Mr. Finerty's honesty of purpose or his loyalty, and the right to express his opinions, but it would seem from his menacing attitude that he would deny him (Davitt) the right which he (Davitt) had conceded.

"Mr. Finerty said:—'I accept your statement; I did not menace. I would not attack you.'"

"Mr. Davitt had never boasted of what he would be willing to suffer for Ireland. Mr. Finerty was generous enough to admit that whenever he (Davitt) had been asked to make any sacrifices for Ireland he had never hesitated in doing it. He should not hesitate in doing it to-morrow if he thought by such sacrifice he could advance the cause of Ireland. He had come from the people of Ireland with his colleagues to represent the movement which was endeavouring by peaceful and constitutional means to work out the principle of Irish national self-government. He would be false to his mission, and the principles of that movement, he would be betraying the trust reposed in him by Mr. Parnell and the people of Ireland, if he did not make this protest to the speech which had been delivered by his friend Mr. Finerty. The movement had been sneered at by their enemies on the other side of the water, and Mr. Finerty had found fault with its methods. The movement was peaceable. Resting upon moral force as it did, would not Mr. Finerty admit that Ireland had been elevated into a position which she had never occupied before.

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[Continued.]

(*The President.*) I suppose, Mr. Davitt, this is what you are endeavouring to meet. The Attorney-General appears to have used these words speaking of your part in connexion with Mr. Finerty—that you stated that you deprecated a policy of unprofitable revenge, and “did not believe dynamite to be necessary, but he found no fault with Mr. Finerty for the sentiments there expressed.”

(*Mr. Michael Davitt.*) Yes, that was one of the references made by the Attorney-General to the part I had played.

(*The President.*) Quite so, and he seems to have been quoting from the “Irish World.”

(*Mr. Michael Davitt.*) Yes; I quoted from the official report of the Convention.

(*The President.*) Does it differ from that?

(*Mr. Michael Davitt.*) I have not seen the “Irish World” report, my Lord, and consequently I cannot say how far the words quoted by the Attorney-General really represent what I said; but I was anxious to quote all I said in order that your Lordships might gather the tenor of the speech, which I think your Lordships will admit was decidedly antagonistic to dynamite and the policy of physical force.

Such, my Lords, is what the official records of this Convention say as to its acts and character in reply to the accusation of the “Times.” There are also the comments of contemporary opinion in the quotations that were read by Sir Charles Russell during my examination, chiefly from the “Chicago Tribune,” the great American paper; and when to these testimonies the sworn evidence of Mr. O’Brien and myself is added I think I can safely leave to your Lordships the task of estimating upon which side truth lies respecting the particular charges made against myself and Messrs. O’Brien, Redmond, and Deasy in connexion with this the last Convention of the League held in America.

(*The Attorney-General.*) I think your Lordship will find the “Irish World” extract at page 5725.

(*Mr. Michael Davitt.*) In “Parnellism and Crime” the credit of controlling this Convention is given to Mr. Frank Byrne——

(*The President.*) Yes, this is from the “Irish World.”

(*The Attorney-General.*) Yes.

(*Mr. Michael Davitt.*) The “Irish World” is a weekly paper published in New York, and Chicago is 900 miles away.

(*The President.*) The Attorney-General’s language, which I have called your attention to, is evidently based upon this in this report: “I find no fault with Mr. Finerty or Mr. Sullivan for the sentiments which they express.”

(*Mr. Michael Davitt.*) If that is in the official report of course I stand by it.

(*The President.*) No, I pointed out that is not in the official report. That is to say, I am reading from the passage in the “Irish World” which the Attorney-General was relying on.

(*Mr. Michael Davitt.*) Yes, but that was not the only charge in “Parnellism and Crime” with reference to the Chicago Convention, in fact it was not the one that I was mainly contending against. The charge in “Parnellism and Crime” which I have been contending against all along is—it was repeated by the Attorney-General in *O’Donnell v. Walter*—that Frank Byrne, Dr. Hamilton Williams, and Row, who took part in a Brady Anniversary in New York some 12 months previously, had gone to Chicago and had laid down the policy for Mr. Parnell’s constitutional movement. That is the main charge I was contending against. To refute that charge I have gone into these particulars about the Convention.

There is not a single one of these men mentioned by the Attorney-General, with the exception of Patrick Ford and his movement, who were present even at this Convention, Byrne was not there. Hamilton Williams was not there. Sheridan was not there, and yet these men are credited in “Parnellism and Crime” with having gone to Chicago, having, in fact, controlled this Convention and having laid down a policy which it is asserted Mr. Parnell accepted afterwards.

(*The President.*) And if I follow you that would appear to have arisen from confounding the Ogden Grove assembly with the Convention.

(*Mr. Michael Davitt.*) Yes, it was at Ogden Grove these observations of mine were made, and that, of course, had nothing whatever to do with the Convention. But on that occasion I also took exception to language of a revengeful and violent character

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used by John Finerty in his opening address, and by somebody else who moved a series of resolutions, and I think in Beach's evidence it was said that the resolutions that were read at Ogden Grove were meant by the Clan-na-Gael to be forced upon the Convention of the Land League, which was to follow.

(Mr. Ronan.) No.

(Mr. Michael Davitt.) I see Mr. Ronan is shaking his head. I may be wrong, but that is the impression I gathered from Beach's testimony, and the facts show that the only man who dissented from the platform of the Convention which O'Brien, Deasy, Redmond and I attended was Mr. John Finerty. He was the only one out of 1,027 delegates who dissented from our resolutions, and Beach I think did say in his evidence that Finerty was the chief figure in this secret Clan-na-Gael caucus that assembled on the eve of the Convention with a view of bossing the Convention.

Now, my Lord, at each and all of these Conventions some men were present who are well known to hold opinions of an extreme character. The Attorney-General has made the most of these names. He has trotted them out across the stage of these proceedings over and over again, until people ignorant of Irish America would be inclined to think that Messrs. Alexander Sullivan, Finnerty, Hynes, Boland, Devoy, Mooney, Dr. Betts, and Patrick Ford comprised the entire audience at these Conventions, and constituted the Irish population of America. But leaving aside for a moment the position of Mr. Patrick Ford, with whose part in the American Land League I have already dealt, what evidence has been laid before your Lordships to connect either Sullivan, Hynes, Finnerty, Devoy, Boland, Mooney, Dr. Betts, or Fitzgerald with the commission of one single outrage in Ireland, or the attempted perpetration of violence by dynamite here in Great Britain? There is no doubt that these men have in speeches made violent and inflammatory utterances, and have advocated a policy which, if put in force over here, would be one of grave crime, but there has been no evidence, as far as I can judge, introduced before your Lordship to prove that these men actually did plan and did carry out a policy of assassination and violence.

These men attended Land League Conventions and were, according to Beach's statements and circulars, which stand uncorroborated by any other evidence, members of the society known as the Clan-na-Gael or U.B. Now, assuming this society is the revolutionary body it is represented to be, and that members, leaders of that body, went to Land League Conventions and even held office in the Land League organisation; what does that prove against the *bona fides* of the organisation of the League? The Speaker of the House of Commons may be, for anything I know to the contrary, a Freemason. There are doubtless a hundred members of that assembly belonging to the masonic body and they have an undoubted right to be masons as well as M.P.'s, if their constituents are satisfied. But would it not be ridiculous to argue from these premises that the House of Commons is in reality a masonic institution, and that it is controlled in its acts by masonic officers in the interest of freemasonry? The Clan-na-Gael is a revolutionary freemasonry, and not one half as revolutionary in character, or in the effect and secrecy of its action, as the continental organisation with which the freemasonry in England is identified. The Clan-na-Gael has a perfect right to exist as an organisation in the United States, so long as the Government of the Republic tolerates its existence, and being therefore a legal body in the eyes of American law, by what right could Mr. Parnell, or Messrs. Sexton, O'Brien, Deasy, and Redmond, or anyone else who are not American citizens, object to members of the Clan-na-Gael attending League Conventions and becoming officers of the League organisation when they so attend and are so elected, not as members of the Clan-na-Gael, but as avowed supporters of the League organisation? The presence of Sullivan, Finnerty, Boland, and others at the League Conventions proves no more of the "Times" allegations against the Land League than is the parliamentary membership of Messrs. Cunningham Graham, Connybeare, Bradlaugh, and Dr. Tanner, evidence against the sound Conservatism of Sir Richard Webster, Mr. W. H. Smith, Mr. William Johnston, of Ballykilbeg, and Mr. James Lowther. Be it an elective parliament, congress, or convention, it must inevitably contain so-called discordant elements. In our day it is impossible to avoid such elements without interfering with democratic institutions. Revolutionary Socialists sit by as good a right as Prince Bismarck in the German Reichstag. And, similarly, a thousand delegates in Philadelphia or Chicago, or Boston, may contain men who favour the use of the

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most extreme violence, who, however, in their capacity of accredited delegates of local organisations, have exactly as good a right as any other delegates to seats in such Conventions. So long as American law does not interfere with them, nothing else has the power to interfere with the liberty of American citizens. But the Conventions, my Lords, are to be judged, not by the presence of a minority, holding views of extreme violence, but by the Conventions own corporate action as expressed by the vote of its overwhelming majority. If any other rule were adopted the Congress of the United States, as well as many Sovereign State Legislatures in the union would be exposed to the same allegations as those levelled against the American League, seeing that some of those named by the Attorney-General, among others, Messrs. Finnerty and Hynes, were members of Federal and State Legislatures.

Instead of parading the names of alleged dynamiters as proof of complicity on our part with dynamite plots: why did the Attorney-General not attempt to prove that the Conventions at which these men were present passed dynamite resolutions and adopted the Clan-na-Gael platform? He attacked the circumference not the centre of the American League, and he has failed to make good one single charge of the many alleged and implied against that League. Indeed, the Attorney-General's charges bear about the same relation to the proofs of them as Falstaff's "intollerable quantity of sack" bore to the accompanying "ha'porth of bread."

Beach and the Attorney-General have conducted their attack at long distance range. Not a single act of the executive of the Land League of America, not a single act of one of the 2,000 branches of that League, not a single document issued by any such executive or any such branch; not a single resolution emanating from any executive or any branch, has been adduced to give the faintest shadow of corroboration to the charges made against the American Land League by the writer of "Parnellism and Crime" and repeated by the Attorney-General in *O'Donnell v. Walter*.

Now, my Lords, I would willingly spare the time of the Court in the matter of comment upon the Conventions of Philadelphia held in 1883, and in Boston in 1884, only if I passed them by and ignored the charges made in reference to them, Sir Henry James might possibly infer from my so doing that I had some other motive in ignoring their proceedings, and what Beach has said about them. I must, therefore, in contending against the main charge levelled against myself and others—myself particularly and mainly—that our Land League in America was one and the same organisation with the Clan-na-Gael, and that there was a union established between the so-called party of violence in America and Mr. Parnell's party in Ireland. I must, in order fully to meet this allegation, deal with every Convention of the seven that were held, and disprove by the negative evidence of the "Times" and the positive testimony of facts adduced by us the falsity of this charge.

The fifth Land and first National League Convention of America was held in Philadelphia on the 25th, 26th, and 27th April 1883. The Attorney-General, in the Official Report at pp. 238, 239, 240, and 241, speaks as if this was but one Convention, whereas there were actually two Conventions, my Lord.

On Wednesday, April 25th the Land League Convention began its session with an address from Mr. President Mooney. The Attorney-General, at page 240, quotes from Mr. Mooney's address. I think it was also quoted from by the defence, and the two quotations will be found upon the evidence, and I will therefore not repeat them again.

Four hundred and sixty-eight delegates were present at this Land League Convention, and the only known extremists whose names are recorded in the official list of accredited delegates are seven. When I say the only known ones, that is the only men who have made speeches or written articles advocating violence. I have no doubt that among the body of the delegates there were a large number of men who may have held extremist views, but these views are not to be gathered from their names, or anything connected with what they did or said at the Convention.

The secretary reported the existence of 854 branches of the Land League in 35 states and territories.

A financial statement of moneys collected and forwarded to Ireland was then read and adopted, together with a general report of the League work done by the executive since the last Washington Convention. A motion to merge the Land League into a National League was also adopted, after which speeches were made by Thomas

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Brennan and Patrick Egan. These speeches have been quoted from by the Attorney-General at pp. 240-241. Mr. Egan's speech was a comparatively moderate one. He referred to the audit of his Land League accounts in Paris.

The names of O'Donovan Rossa, Sheridan, Byrne, or Boyton, mentioned by the Attorney-General as being at the "Philadelphia Convention," do not occur in the official list of accredited delegates. If they were present at all, it was in the capacity of spectators, and anyone who is acquainted with the holding of conventions in America knows that the general public is admitted to the galleries and sometimes to the floor and platform. The following resolutions were passed by this Land League Convention before its adjournment:—

The Committee recommended the adoption of the following resolutions:—

"Resolved:—That we heartily endorse the principles and objects adopted
" and declared by the National Conference held in the Ancient Concert Rooms in
" Dublin on the 17th day of October 1882, and pledge an earnest support to the
" Irish National League there established.

"Resolved:—That in response to the call for an Irish American National
" Convention, to be held in this hall to-morrow, and in view of the prospects that
" the deliberations of that Convention will result in the union of all patriotic
" Irish bodies on the Continent which favour the present Irish policy in a new
" organisation supporting the National League of Ireland, the delegates to this
" Convention attend in a body the sessions of said Irish-American National Con-
" vention and assist in perfecting the union."

Then the National Convention met in the same city on the 26th April. There were 1,109 delegates present. This number included the 468 delegates who had constituted the previous day's Land League Convention. Several temperance and benevolent societies also sent representatives, as did various clubs of a non-political character. Their names will be found in the official report. A very large number of Catholic clergymen were present, with numerous doctors, lawyers, and members of other professions.

Of the extremists mentioned by the Attorney-General at page 238 of the evidence as being present at this Convention, the names of but seven appear in the official list of accredited delegates, and neither Sheridan's, Byrne's, Boyton's, nor Walsh's names are amongst them. Consequently they must have been there as spectators, and not as accredited delegates. One or two of these may have worked themselves into prominent actors at this and other Conventions. When I say one or two of these, I refer not to these men I have just mentioned, but to men like Alexander Sullivan, Boland, and others who undoubtedly held office in the Land League in America. But in no single instance at any of the seven Land and National League Conventions held in America has any man been elected to any position, except as a supporter of the policy identified with Mr. Parnell's name in Ireland. The mass of the delegates at all these gatherings were Conservative Nationalists, favouring the policy of Mr. Parnell as against a more revolutionary one, and whenever a conflict of opinion arose between the advocates of extreme as against moderate views, as, for instance, at this Philadelphia Convention, when Rossa would not be allowed to speak, and at Chicago at the last Convention held in America, when John Finnerty attacked myself and was put down by the entire Convention, the advocates of violence were silenced by the overwhelming numbers of the supporters of moderation.

This Philadelphia Convention was occupied during the 26th April by speeches, examination of delegates' credentials, and the reading of reports. The Attorney-General quotes on page 241 of the evidence from a speech by Alexander Sullivan, of Chicago. Then the following despatch was read also by the Attorney-General at page 339. It was from Mr. Parnell, and I will read it here again, with your Lordships' permission.

The following cablegram from Charles Stewart Parnell was read by the Rev. M. J. Dorney, of Chicago:—

London, April 26th, 1883.

To James Mooney, President of the Irish American Convention.

My presence at the opening of the most representative Convention of Irish-American opinion ever assembled being impossible, owing to the necessity of

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my remaining here to oppose the Criminal Code Bill, which re-enacts permanently the worst provisions of coercion, and which, if passed, will leave constitutional movements at the mercy of the Government, I would ask you to lay my views before the Convention. I would respectfully advise that your platform be so framed as to enable us to continue to accept help from America, and at the same time avoid offering a pretext to the British Government for entirely suppressing the national movement in Ireland. In this way only can unity of movement be preserved, both in Ireland and America. I have perfect confidence that by prudence, moderation, and firmness, the cause of Ireland will continue to advance, and, though persecution rests heavily upon us at present, before many years have passed we shall have achieved those great objects for which through many centuries our race has struggled.

CHARLES STEWART PARNELL.

The reading of the cablegram was followed by loud and protracted cheering.

The second day's session of this Convention opened with the reading of letters from some prominent American statesmen, who sent greetings, and also letters from persons and branches that could not conveniently send personal representations. Among the resolutions adopted as a platform were the following:—

“The English Government in Ireland does not allow that portion of the Empire an equitable and efficient voice in the Legislature. In England one-twelfth of the population votes for members of Parliament. In Ireland one-twenty-fifth of the population votes for members of Parliament.”

Since then, of course, the franchise has been assimilated in the three countries.

“In England the registration laws are favourable to the voter; in Ireland they are inimical to the voter. In England all classes of the population are fairly represented; in Ireland the poor-law is employed to secure the landlords and place-hunters a preponderance in the national delegation. In England the judiciary is independent of the executive, and sympathises with the people. In Ireland the judiciary is the creature and part of the executive, and is appointed exclusively from the enemies of the people. In England the magistracy is chosen without regard to creed; in Ireland ninety-seven per cent. of the magistrates having jurisdiction over personal liberty are selected from a creed rejected by seventy-eight per cent. of the people, and the detestable spirit of religious bigotry is thus legalised and perpetuated. In England the laws creating civil disabilities on account of religion have long been dead. In Ireland, laws made under Edward the Third, Queen Elizabeth, the Earl of Strafford, Charles the Second, Queen Anne, and their successors are still vital to torment a people. Every measure of legislation proposed by an English member, receives courteous consideration. Any measure, however just, necessary, or humane, proposed by patriot Irish members, is certain of contemptuous rejection by a combined majority of both the great English parties. Thus the educational system of Ireland is notoriously inadequate. Thus it is that evictions, unknown in England, and declared by Mr. Gladstone to be almost equivalent to death sentences, are of a daily occurrence in Ireland, and have nearly doubled in five years, in spite of the boasted benefits of the Gladstone land laws. Thus it is that, although, according to Government returns, the criminals are 27 in 10,000 of the English population, and only 16 in 10,000 of the Irish population, in spite of the exasperation to which they are subjected, yet England enjoys constitutional liberty, and Ireland is under worse than martial law. The intrepid and persistent attempts of a patriotic Irish deputation to obtain in the English Parliament just and humane laws for Ireland, has always been, is, and, in our belief, must continue to be a failure.

“Now, therefore, in view, of these facts,

“Be it resolved, by the Irish-American people in Convention assembled, that the English Government in Ireland, originating in usurpation, perpetuated by

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“ force, having failed to discharge any of the duties of government, never having
 “ acquired the consent of the governed, has no moral right whatever to exist in
 “ Ireland; and that it is the duty of the Irish race throughout the world to
 “ sustain the Irish people in the employment of all legitimate means to substitute
 “ for it national self-government.

Resolved—“ That we pledge our unqualified and constant support, moral and
 “ material, to our countrymen in Ireland in their efforts to recover national self-
 “ government; and in order the more effectually to promote this object by the
 “ consolidation of all our resources, and the creation of one responsible and
 “ authoritative body to speak for greater Ireland in America, that all the societies
 “ represented in this Convention, and all that may hereafter comply with the
 “ conditions of admission, be organised into the Irish National League of America
 “ for the purpose of supporting the Irish National League of Ireland, of which
 “ Charles Stewart Parnell is the president.

Resolved—“ That we heartily endorse the noble sentiment of Bishop Butler,
 “ of Limerick, that every stroke of Forster's savage lash for Irishmen is a new
 “ proof of Parnell's worth, and an additional title for him to the confidence and
 “ gratitude of his countrymen.

Resolved—“ That we sympathise with the labourers of Ireland in their efforts
 “ to improve their condition, and as we have sustained the farmers in their assault
 “ upon the landlord garrison, we now urge upon the farmers justice and humane
 “ consideration for the labourers. In other words, for the employment of which
 “ an Irish member of Parliament was imprisoned, we demand that the farmers
 “ allow the labourers a fair day's wages for 'a fair day's work.' ”

It was on a discussion as to the adoption of these resolutions that the Convention refused a hearing to Mr. John Finerty of Chicago, who desired to move an amendment in favour of a policy of physical force.

Then, my Lords, the articles and constitution of the National League of America are presented and adopted by the Convention, and as they have been read here they will be found upon the evidence.

Now, I intended reading to your Lordships the comments of Philadelphia papers, in Irish and New York papers upon this Convention, but I am afraid I should be presuming too much upon your Lordship's kindness. I think they have already been read, and in that case they will be found upon the minutes.

At page 14 of the official report of this Philadelphia Convention there is this. I think it well to say that the following disbursements of money are particularised. I will give this to Sir Henry James. I think it is in the volume I have already lent him:—

“ Amount remitted to Ireland from the Relief Fund, and to whom remitted:—
 “ Bishop Logue, \$4,941.56; Bishop Duggan, \$4,186.79; Bishop Fitzgerald,
 “ \$564.86; Bishop McCormack, \$3,102.39; Bishop McEirly, \$2,318.20; Bishop
 “ Croke, \$500.55; Bishop Conway, \$2,283.28; Bishop Ryan, \$1,300.28; Rev.
 “ W. Gallagher, \$529.86; Rev. B. McAnorm, \$376.09; Rev. C. Flynn, \$838.32;
 “ Rev. P. Greely, \$999.64; Rev. T. Shannon, \$300.28,”—

and so on. There is altogether an account given of \$23,652.06 as sent by the Land League of America to Ireland for charitable purposes.

Beach in cross-examination by Sir Charles Russell at page 2694 of the evidence, makes admissions corroborative of the evidence of the official report of this Convention. At question 45,704 he says this:—

“ You spoke of Daly of Castlebar?—(A.) Yes, I did. (Q.) Did you say he
 “ was there?—(A.) As a spectator, yes. (Q.) And I think you said Byrne was
 “ there as a spectator?—(A.) He was upon the platform with his wife.”

I may say, my Lords, with reference to Daly of Castlebar that the man was never out of Ireland in his life. He never was in America anyhow. Consequently, he could not have been at the Philadelphia Convention. This was the Daly who presided at the first Irishtown meeting. This is question 45,709:—

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“ Now, I am reminded that at that meeting, which I am just leaving, Philadelphia, that O'Donovan Rossa tried to get at the meeting but was not allowed?—(A.) He was admitted, but not as a delegate. (Q.) He would not be allowed to take any part?—(A.) Well, he did take part. (Q.) What part did he take?—(A.) Oh, yes, he attempted to speak. (Q.) He attempted; was he hounded down?—(A.) Yes, to a very large extent, Finerty himself and O'Donovan Rossa were hounded down.”

Well, O'Donovan Rossa might not at that time be a representative Clan-na-Gaeler, but unquestionably Finerty was, and if Finerty, a prominent Clan-na-Gaeler according to Beach, be hounded down by a thousand delegates at a Land League Convention, I think that fact alone, my Lords, is proof that the Convention was not in sympathy with Finerty, or the views Finerty wanted to bring before it.

I pass now, my Lords, to the Boston Convention, which was the second National League Convention, but the sixth of the whole series of League Conventions, held in America from that of Trainor Hall, New York, in May 1880, to the one at Chicago in August 1886, then I shall have done with the American branch of the story for the present. That Convention met in Boston, Massachusetts, on the 13th of August 1884, and remained in session two days. There were 405 accredited delegates present representing 552 branches of the League in the United States and Canada. Thomas Sexton, M.P., and William Redmond, M.P., attended as delegates from the National League of Ireland. The Attorney-General prefaced his references to this convention by quoting from speeches delivered in the July of the previous year in New York by Sheridan, Byrne, and Williams, three men who have never been identified directly or indirectly with the Land or National League of America. The emergency fund which was started by the “Irish World” eight months previously is also trotted out by the Attorney-General when introducing his observations about a convention which had no more to do with the speeches of the persons referred to or the fund mentioned than with the deliberations of the Congress of Washington. At this time it is well known the “Irish World” was hostile to the National League and Mr. Parnell's policy. The Convention opened with an address, by the president, Mr. Sullivan. This speech has been quoted from the Attorney-General at page 247. Speaking on the reasons why Irish-American citizens supported the League in Ireland, he said:—

“ It is now apparent to the thoughtful men on both sides of the sea that the interests of the American Republic are identical with the interests of Ireland. Every year that witnesses the denial of self-government for Ireland is a year of taxation upon a considerable portion of the American people for the support of the English Crown in Ireland. The drain of money from the toilers of the United States to aid their kindred in Ireland will continue until the Government which they detest, and which keeps them poor and dependent is expelled. In whatever measure we enlist the sympathy and the influence of the American Republic in behalf of the people of Ireland we render a service to the Republic. It has been the practice of the English Government for more than a generation to drive vast numbers of the Irish people off small agricultural holdings into foul and vicious dens called poorhouses. Being thus reduced to poverty, their children robbed of an opportunity to acquire bread-getting skill, they have been forced into the pits of ocean vessels and cast penniless upon the crowded cities of our seaboard.”

The rest of my note is missing, but the object of the speech was to show that the National League in America was endeavouring to obtain for the tiller of the soil in Ireland the ownership of the holding, so really rendering a service to the Irish-American citizens of the Republic. Mr. Sullivan contended that it was money sent from their earnings to Ireland that helped the poor tenants of that country to pay unjust rents.

Then, my Lords, the usual resolutions are submitted and adopted by the Convention. These resolutions are the same in character as those at all the previous Land League Conventions in America; they are, in fact, an endorsement of the platform of the National Land League in Ireland, as laid down at the initial Conference in 1882. As regards the *personnel* of the Executive Committee appointed by this

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Convention under under Mr. Patrick Egan's presidency of the League, the following evidence was given by Beach in cross-examination by Sir Charles Russell at pages 2695 and 2696, from questions 45,723 to 45,779 :—

“(Q.) Now, I want to ask you about some names. Do you know D. Devany, of Fort Smith?—(A.) Not personally. I do not remember. (Q.) You cannot say whether he was a member of the U.B. or not?—(A.) I cannot. (Q.) The Hon. M. Cooney, of San Francisco?—(A.) I know him. (Q.) P. W. Wren, Connecticut; do you know him?—(A.) No, sir, I do not personally. (Q.) F. P. Kane?—(A.) I cannot recollect the name. (Q.) Of Wilmington; John F. Armstrong, of Augusta?—(A.) I know him. (Q.) Was he a U.B.?—(A.) Yes. (Q.) In 1884?—(A.) Oh, yes. (Q.) Corkery, I think you said was?—(A.) U.B. (Q.) And Gannon, of Devonport, I think you said?—(A.) Yes. (Q.) Do you know John J. Barrett, of Louisville?—(A.) I know him. (Q.) Did you know him, whether he was a member of the U.B. or not?—(A.) I will not be positive; I think he was. (Q.) Did you ever meet him as a U.B.?—(A.) As a U.B. I cannot say; I might, but I would not swear that he was in the caucus. (Q.) T. Moroney?—(A.) U.B. (Q.) Patrick Martin, of Baltimore?—(A.) I would not be positive. (Q.) Dawson?—(A.) Not positive. (Q.) Thomas Flatly?—(A.) Yes. (Q.) Thomas Flatly, of Boston, I am talking about?—(A.) I would not be positive. (Q.) You had better think before you answer. J. R. Corrigan, of Minneapolis?—(A.) Not positive. (Q.) Dr. Thomas O'Reilly?—(A.) Yes. (Q.) John Fitzgerald, of Lincoln?—(A.) At that date I would not say. (Q.) M. B. Holmes?—(A.) Yes. (Q.) Of where?—(A.) Holmes? I think he was from Baltimore. (Q.) Then you are not talking about the same person?—(A.) Yes, Jersey City; he is an eastern man, the same man. (Q.) I am not asking you what you think, but what you are able to swear to?—(A.) To the best of my knowledge and belief he was a member of the V.C. (Q.) Did you ever meet him?—To the best of my knowledge and belief I did. (Q.) Do you swear you did?—(A.) Well, I would reserve swearing positively. (Q.) Dr. Fox?—(A.) Dr. Fox, of New York. (Q.) Of Troy, yes, New York?—(A.) I never met him in secret caucus. (Q.) The Hon. J. W. Fitzgerald?—(A.) Yes. (Q.) Do you swear that?—(A.) I do. (Q.) I mean you swear you knew him?—(A.) I swear I knew him, and met him many times in—— (Q.) P. H. Lynch?—(A.) There are so many Lynches. Where is he from? (Q.) Philadelphia?—(A.) I will not swear that I have met him; I think I have. (Q.) Hugh J. Carroll?—(A.) Yes. (Q.) Where is Hugh J. Carroll you are talking about from?—(A.) He is an eastern man. (Q.) Where do you believe?—(A.) Hugh J. Carroll?”

Then it goes on, my Lords, in the same way, but the object is to show how many and how few U.B. men were on the Executive of the National League at the time of the Boston Convention. I think out of 32 names, 8 or 10 are enumerated by Beach in his evidence as having been U.B. men, the vast majority of the Executive Council according to Beach were not members of the U.B., although, of course, these U.B., or Clan-na-Gael men, who had got on the executive of the National League were not so elected, because they were U.B. men, or Clan-na-Gael men, but because they had, like the other delegates, adopted the principles and programme of the National League.

Now, my Lords, I have dealt with each of the seven conventions of the American League, also with the preliminary conference called by Mr. Parnell in the New York Hotel on the 13th March 1880, and likewise with what is known as the Aston House Conference called by me in August 1882. I have read or otherwise referred your Lordships to all the official documents issued by me while in charge of the American League in 1880, including the constitution, byelaws, and programme of the League organisation. I have quoted from the resolutions or platforms adopted by these conventions and conferences, and I have, I think, quoted more or less from speeches delivered on these occasions. While I have told your Lordships that in each instance I read from either the official reports of these gatherings, or, where official reports could not be had, as in the instances of the Trainor Hall, New York, or first Land League Convention, and the Chicago Convention of 1881, I relied on newspaper, but contemporary, records for what I quoted. And I now fearlessly ask your Lordships to

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take this mass of evidence, along with Mr. Parnell's, Mr. O'Brien's, Mr. Sexton's, and my own sworn testimony in that witness box, and say whether the allegation of the "Times" has been or has been not made good, that the Land League of America and the Clan-na-Gael were one and the same organisation, and that a union between the so-called party of violence in America and Mr. Parnell's party over here was brought about by my agency as affirmed in "Parnellism and Crime." I venture respectfully to say, my Lords, that Sir Henry James will have to explain away against my contention that no such identity and no such union has ever existed the following facts, which the evidence for the defence has established:—(1.) The solemn sworn testimony of Mr. Parnell and myself in this Court, as the two persons who are alleged to have negotiated or assented to such union and solidarity, that no such union ever existed. (2.) The failure of the "Times" to produce one particle of written, printed, or published proof—apart, of course, from the forged letters—that I ever effected such a union or that it even existed. (3.) That Messrs. Parnell, Sexton, O'Brien, the brothers Redmond, Dr. Deasy, or any envoy from Mr. Parnell, the Land or National League, or Home Rule party from this side of the Atlantic ever attended, or was known to attend, any meeting in camp or in caucus, in conference or in convention of the Clan-na-Gael of America, which is declared by the "Times" to be one in organisation with the League and allied in criminality of purpose with Mr. Parnell's party. (4.) Why, if such identity existed, Messrs. Parnell or Dillon did not, when in America in 1879–80, participate in some, even in the remotest manner, of the Clan-na-Gael councils. (5.) Why, among Beach's bundle of circulars and correspondence, there was not one single scrap of a document or a letter from either the executive of the Land or National League of Ireland, or from Mr. Parnell, or from myself, or from the executive of this Land or National Leagues of America to a camp of the Clan-na-Gael, or to a single member of that body as such, that could give the slightest colouring of truth to the "Times" allegation. (5A.) Why, on the other hand, there is in more than one of Beach's alleged Clan-na-Gael circulars warnings about Land League hostility to Clan-na-Gael principles and instructions imparted in several of these cipher rigmarele productions, why instructions are given how to capture, or boss, or run a League Convention when the League, as alleged was one in body, and the parties who wrote and sent out these circulars? (6.) Why Beach admitted his ignorance of one of the seven League Conventions, that held in Washington, the capital of the United States, on the 12th April 1882, at a time when, if the alleged union with the Clan-na-Gael existed, it should be more publicly manifested than at earlier or later periods; at which Convention Thomas Hatley, of Boston, was present in his character as secretary of the League, a man who is alleged by Beach to have been a Clan-na-Gael man, and the printed official report of which Convention was forwarded to every branch of the Land League in America, which official report also contains the name and location of every such branch, the name of the president of each branch, the amount of money subscribed by the branch to the central treasurer, and what was done with such money. (7.) Why if I, as alleged in "Parnellism and Crime," brought about the alleged union between the so-called party of violence in America and Mr. Parnell's party, Beach did not in his evidence try to prove this by reciting some act or word of mine during my three visits to America from 1878 to 1886 that would lend some corroborative colour to the accusation. (8.) Why Beach elected to leave to me the task of informing your Lordships of my attendance at several Clan-na-Gael camp meetings of the U.B. in 1878 and 1880, if he knew or believed I had formed, or endeavoured to form, the aforesaid alleged union? (9.) And, finally, Sir Henry James will have to explain why, if the Land League of America and the Clan-na-Gael were one and the same organisation, had identity of purpose, and were wickedly combined in criminality of means to that end, why, according to Beach's evidence, more than half the delegates at the Philadelphia Convention, which is boasted most about in Beach's alleged U.B. circulars, were men belonging to other than Clan-na-Gael organisations, and why at all the other League Conventions the Conservative or non-Clan-na-Gael League delegates were in an overwhelming majority?

These, my Lords, are facts which the defence have established by evidence oral and published during this inquiry, and if Sir Henry James is to make good the contention of the Pigott, Flanagan writes he will have to explain away the facts and establish his case upon evidence which has not yet been submitted to your Lordship's tribunal.

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I do not intend to waste much of your Lordships' time over the speeches that have been read from reports in the "Irish World" of what Frank Byrne, P. J. Sheridan, Dr. Williams, Tynan, and other celebrities may have said in New York or elsewhere on the other side of the Atlantic. I am sure the Court has heard enough of these performances. These senseless speeches prove nothing whatever against Mr. Parnell or the Land League. Neither of these men were even members of the National League of America. Those of them who were present at the Philadelphia Convention of 1883, or the Boston Convention of 1884, were merely there as spectators, and Beach has admitted this in his evidence. It is well known to anyone who understands anything about American Conventions that the public are admitted to the galleries at these gatherings, therefore the presence of Sheridan, Byrne, and others at the Boston or Philadelphia League Conventions proves nothing, because it is not contended that they were there as accredited delegates or even as simple members of the League. To argue as the writer in "Parnellism and Crime" does, and as the learned Attorney-General appears to do in his opening statement, that because Frank Byrne had been salaried secretary of the Land League of Great Britain, or because Sheridan or John Walsh had been paid organisers of the League, therefore the League should be held more or less guilty of the deeds in which these men profess to have participated, and that Mr. Parnell stands incriminated is arguing against all reason and common sense. It would be just as fair to say that because clerks in the pay and employment of a bank confess to have committed forgery and perpetrated murder and other crimes, the director of the bank and its shareholders should be held as accomplices in forgery or participators in the guilty knowledge of the confessed criminality of their employes.

I will now, my Lords, leave for the present at least the evidence touching what has been called "The American Convention," with these few more or less personal observations; but before I finally pass away from these special charges which the "Times" has brought against me, I have a few words to say about my intercourse with members of the Clan-na-Gael in America. This association has been spoken of repeatedly by the Attorney-General as a "Murder Club." Whether the Attorney-General received sufficient evidence to justify him in calling this organisation by that name, of course, I cannot say; but I contend that the evidence has not been produced here. I do not believe the Clan-na-Gael to be a murder club; if I believed or suspected it was a murder club I never would have associated with any members of that organisation upon a public platform. As I said in that witness box, it was no more a murder club than the political associations on this side of the Atlantic. I contend that it is not right or fair, especially in a Court like this, to hurl such an accusation against such an organisation in America, which, even according to the evidence of Beach, embraced men of known respectability and social position whom he could not say favoured in any way the detestable policy of assassination. If this infamous accusation were true, if such a society for such a purpose as murder existed in America, what would that fact involve? That the United States Government, which is on the most friendly terms possible with that of Her Britannic Majesty, permits to exist in all the cities of the Republic associations of assassins! The thing is simply a monstrous absurdity, and the motive which has prompted the "Times" thus at one and the same time to brand the Irish in America with the foulest of crimes and charge against a friendly Government, a connivance at a policy of murder, is a motive as black and as dastardly as that which induced the purchase of Pigott's forgeries, and the publication of the fac-simile letter. Because well known Clan-na-Gael men have been on the same platform as Mr. Parnell, though he knew it not, and because members of the same organisation have been as individuals among members of the American Land League, therefore has it been said of this body, as it was said of Mr. Parnell in Pigott's letters, that they favoured the perpetration of murder. The Clan-na-Gael is not strictly speaking a secret society. Like innumerable societies that are not revolutionary, it has signs and symbols, but it is as well known outwardly in every city in which it exists in America as the Forresters, Odd Fellows, or Ancient Order of Hibernians. Clan-na-Gael picnics, excursions, concerts, and entertainments are as frequent of occurrence as are those of any benevolent or temperance association, and there is, therefore, as little attempt at disguise in the matter of name and existence as in that of the non-political associations alluded to. It is true the Clan-na-Gael is a revolutionary organisation, and has for its ultimate object the complete independence of Ireland. Why the

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Irish of all the various European nationalities that are comprised in America's population should alone have recourse to hostile plots against the Government of their parent land needs little explanation. I have already shown how, since 1771, when the Friendly Sons of St. Patrick were organised in Philadelphia, men who have been driven out of Ireland by Irish landlordism have remembered this with animosity against England. The camps of the Clan-na-Gael, like the ranks of Washington's army, are recruited from the victims of rack-renting and eviction in Ireland. The agencies of Celtic extermination which English rule has upheld in Ireland are the recruiting sergeants for secret societies, agrarian and political, in Ireland and America. Let these agencies once cease operations and Ribbonism and Clan-na-Gaelism will disappear, as effects cease when their cause is removed.

So far as the charge of "one organisation" applies to the I.R.B. and the Land League (that is the Irish branch according to Beach of the U.B.) it is as groundless as the allegation with which I have been dealing that the Clan-na-Gael and the American League were one and the same body. The evidence given by witnesses for the defence have disproved completely the accusations of the "Times" on this point. The Land League of Ireland embraced in its membership past and present members of the I.R.B. beyond a doubt. It was never intended to exclude any Irishmen from the ranks of the League who accepted its principles, whether they were I.R.B. men or Orangemen, and the same remark applies to the membership of the American League. But it was never intended, nor did it ever happen, that the Land League of Ireland or of America became identified with the Clan-na-Gael or the I.R.B. in the way the "Times" alleges or in any other way that could truthfully or fairly be called union or understanding, or co-operation as between organisation and organisation. This is conclusively demonstrated by the official acts of the I.R.B. itself, as it issued more than one proclamation in the early days of the Land League denouncing it, and warning I.R.B. men against what were termed "its demoralising principles." The storming of the platform from which Mr. Parnell, Mr. O'Kelly, and Mr. John Redmond spoke at Enniscorthy in March 1880, and the assault committed upon Mr. Parnell on the occasion, were boasted of at the time and long afterwards as an I.R.B. victory. The attack upon the Rotunda meeting on the 30th April by O'Hanlan and his party of I.R.B. men, and the reading by him of a resolution expressly condemning the League and constitutional agitation, has been fully gone into before your Lordships, while the following manifestoes have likewise been brought under the notice of this Court. This is a manifesto issued by the I.R.B. in 1880. It was read by Sir Charles Russell, and is found at page 3707 of the evidence. It reads as follows:—

"At a time like the present, when political adventurers and West Britishers
 "are scrambling for parliamentary honours and playing on the credulity of many
 "of our countrymen by passing themselves as Nationalists, we consider it our duty
 "to say a few words to you on the subject. It is inconsistent with the principles
 "of true nationality for any patriotic Irishman to accept a seat in an alien Parlia-
 "ment, because by so doing he surrenders his right and the rights of his country
 "into the hands of men who are opposed to its best interests, and becomes
 "a participator in the alien system which keeps Ireland enslaved. The Irish-
 "man who becomes a member of it is either the victim of some mental delusion,
 "a slave, or an enemy. We do not address you merely for the purpose of
 "reminding you of all this constitutional garotting and plundering of our country of
 "which even the 'bond' of eighty-three years' duration affords such ample evidence,
 "but to prevent the smallest section of our brethren from being betrayed into
 "active participation in the coming elections by the plausible utterances or
 "avowals of national principles of any of the candidates no matter who he or
 "they may be."

Then on page 3709 there is another proclamation which was read by Sir Charles Russell which I will trouble your Lordships to listen to again:—

"The agitators themselves claim to be Nationalists when it suits their pur-
 "pose, no matter whether they hold forth in the Home Rule League, the Land
 "League, at the hustings, or that exalted platform the floor of the British House
 "of Commons. We have borne with their vapourings and false doctrines, as

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“ well as their treacherous designs against the freedom and national independence
 “ of Ireland fully aware that the share of the ‘new departure’ would be short-
 “ lived and would, in its final collapse, bring unutterable political ruin
 “ to all its promoters. To this end we are resolved to let them have rope enough,
 “ but as they are not content with this forbearance, and are occasionally sheltering
 “ themselves behind the sacred name of Irish nationality, we feel constrained to
 “ warn them that if they persevere in such a course we shall be obliged to adopt
 “ measures that will end their career much sooner than anticipated.

“ Thoughts of the painful present and the past,

“ Must bring the hour of reckoning at last.

“ (By order)

“ Executive of the I.R.B.”

Now, my Lords, according to the evidence of Beach, the I.R.B. in Ireland was part of the U.B. or Clan-na-Gael in America. That there was a perfect understanding between the two branches of the revolutionary organisations, and if the allegation of the “Times” were true, that the Land League formed also part with the I.R.B. and the U.B. one organisation, surely these proclamations would never be issued, such attacks on members of the Land League like myself and members of Parliament like Mr. Parnell would never be made in the public press and on the walls of Dublin and other Irish cities where these proclamations appeared.

This ends my observations, my Lords, upon the three special charges made against me, apart from the charges that are made against me in conjunction with the 63 or 64 members of Parliament. I think I have shown conclusively that the two charges of the three, which alone concern this inquiry, are absolutely groundless, and that nothing has been proved before your Lordships that can clothe them with anything better than a tissue-paper covering of suspicion. In dealing with the third of these personal charges, that alleging me to have brought about a union between the so-called party of violence and Mr. Parnell’s party, I went fully into the American story, not only to refute what was charged against myself, but likewise what was implied against others. I have pointed out that Beach’s evidence is the only direct attempt to prove such a union as having existed, and this evidence has been completely met and answered in what Mr. Parnell and Mr. O’Kelly have said about Beach’s alleged interview with Mr. Parnell in the House of Commons. The production by Beach of two of Mr. Parnell’s photographs was a poor substitute for evidence that should prove Beach’s story to be true. Even if Mr. Parnell did give these pictures to the spy, it would prove nothing, except perhaps that he could be more liberal in such matters with a perfect stranger than with intimate friends and colleagues, not one of whom has probably ever received any such evidences of his personal consideration for them.

Now, my Lords, it is absolutely essential to the adequate defence of the part which I have taken in the Land League for me to dwell at some length upon the fruitless efforts which Irish representatives had made in the Imperial Parliament, from the period of the Tenant League of Duffy, Crawford, Moore, and Grey, to the time of Mr. Butt and the inauguration of the Land Agitation of 1879, to improve the land laws of Ireland. I will be as brief as I can in this review, and will only cover a period of time over which my own recollection extends—that is, from or about the time of the eviction of my family to the year when, in the same county, I helped to inaugurate the movement which is here on its trial.

I must call your Lordship’s attention to this remissness of the Legislature, and for two obvious reasons, which I hope will explain, if they may not fully justify, those acts and words of mine upon which this Court is asked to pronounce.

I affirm that, if the reforms in the land laws that were demanded by the tenant leaguers were wisely conceded by Parliament—reforms less drastic in character and more moderate in scope than those that have become law since the Land League began—there would not, or could not, exist in 1879 those social conditions and apprehensions which rendered the land agitation of that year a necessary measure of protection against landlord injustice and a threatened famine.

(*The President.*) Mr. Davitt, I do not wish to stop you, but I wish you to bear this in mind, that we cannot sit in judgment upon the Legislature either of that time or any other time.

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(*Mr. Davitt.*) I am perfectly aware of that, my Lord. That was going to follow. I know your Lordships cannot, but the duty that is imposed upon your Lordships is to pronounce upon certain acts and certain words of mine in connexion with this Land League agitation and Land League organisation, and I am endeavouring, in my own way, which, of course, is not the way that would recommend itself to this Court, to justify those acts and those words of mine, and in order to explain, not only to this Court, but to the public outside, what has been said in "Parnellism and Crime" that I did all these things for a purpose; and I think it right to glance at the efforts made by the Imperial representatives in the Imperial Parliament to reform the laws relating to landlord and tenant in Ireland before the initiation of the land agitation in 1879.

(*The President.*) Yes; but then the only question we have to determine is whether you and others have attempted to bring about these reforms of the law by legal means.

(*Mr. Davitt.*) Yes, my Lord.

(*The President.*) And therefore it may be assumed for your purpose that your endeavours have been unsuccessful to bring about those reforms. My only object is to point out to you that a general review of the Legislature for a long period of time is not germane to the issues we have to determine.

(*Mr. Davitt.*) But my review would not go back beyond the existence of an organisation called the Tenant League, which laboured in Ireland from 1850 to 1856, to bring about a reform of the land laws; and I want to show that if the Legislature had only listened to the many demands made by Sharman, Crawford, and others, the troubles that existed in Ireland in 1880 and 1881 might not have existed; and I want to contend that the failure of the Legislature to meet those just demands of the Irish representatives led chiefly to the disturbances in 1880 and 1881 in Ireland, which the "Times" tries to put at my door, and to hold Mr. Parnell and the Land League responsible for.

Of course, if your Lordship thinks it would be presuming too much upon the kind attention shown me so far, I would not insist upon doing this.

(*The President.*) I do not wish to stop you at all, unless your own mind is satisfied by the observations I make to you; but I do not think we can properly allow ourselves to be influenced, however effectually you may establish the fact, that the conduct of Parliament has or has not been reasonable in the past. The simple question is, whether you and others have violated the law.

(*Mr. Davitt.*) I take that expression of opinion from your Lordship as amounting to this—that the Court would prefer that I did not give this brief review of the efforts that were made in Ireland to alter the law of landlord and tenant before the Land League was established.

(*The President.*) I may remind you that Sir Charles Russell has also gone over the same ground.

(*Mr. Davitt.*) Yes, I know he has, my Lord, but of course Sir Charles Russell did not speak for me.

(*The President.*) Oh, no.

(*Mr. Davitt.*) He spoke for those he represented.

(*The President.*) I say I only remind you of it.

(*Mr. Davitt.*) I take your Lordship's expression of opinion to be that I would be doing unnecessary work, and be wasting your Lordship's time, if I pursue this matter.

(*The President.*) I feel from the manner you have conducted the case hitherto that I can trust to your judgment; and I only wish to influence your judgment, not at all to control it. If you think it is necessary to the explanation of your views to go into this we shall certainly listen to it.

(*Mr. Davitt.*) Your Lordship, and, indeed, the whole Court, has been so kind to me, that I am very reluctant indeed to trespass unduly upon you, and I will, therefore, notwithstanding your Lordship's kind observations, leave that part of my speech on one side.

I come now to the origin of the agrarian agitation which began at Irishtown in Mayo in April 1879. I am a little out of order in consequence of your Lordship's observations. I contend, my Lords, that the land agitation of 1879 was inevitable, both from the events that preceded that year and the circumstances of the period, and

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had I never been heard of and had still remained an inmate of Dartmoor Prison, the people of Ireland would have been driven into combination of the character of the Land League for the double purpose of protecting themselves from the threatened repetition of the famine horrors of 1845 and 1847, and the necessity of obtaining some security for their holdings which has been more or less overlooked. Down to the initiation of the Land League in 1879 there had existed in Ireland a body known as the Tenants' Defence Association. The late Mr. Isaac Butt was its president—a man of immense ability, and whose services to the farmer interests and the Irish cause generally have endeared his name to the Irish people. This association had some fifty branches throughout Ireland. It held meetings and disseminated literature on the question of land reform. These meetings were addressed by Mr. Parnell, Mr. John Ferguson, Mr. Matthew Harris, and others of the persons charged from 1876 down to 1879, and the speeches thus delivered differ little or nothing in the denunciation of landlordism from the ordinary Land League speeches of which your Lordships have had probably more than enough. The secretary, and to a great extent the moving spirit of this Tenants' Defence Association, was Mr. Andrew J. Kettle, a gentleman farmer of County Dublin, and a man of conspicuous ability and earnestness, who subsequently became joint honorary secretary of the Land League with me after this new organisation had absorbed the old one. Mr. Butt's speeches and writings on the land question, together with those of Mr. John Ferguson of Glasgow, who has been before your Lordships, and who is possibly the oldest and ablest Irish land reformer of our time. Mr. O'Connor Power, Mr. Parnell, Mr. Mathew Harris, and others had delivered speeches in various parts of Ireland before the Land League was ever heard of. They had educated the Irish people upon the principles of Mills's political economy, and taught them that what were known and believed to be "the sacred rights of landlord property" in the famine period of '48 were neither sanctioned by justice nor by reason. In addition to these speeches there was popular literature upon the Land Question—a book by the Rev. Father Lavelle, published in 1870. Father Lavelle lived in the County of Mayo and took a prominent part in discussing the Land Question in the Irish press, and as his ideas, as put forth in this book, and his opinions were very familiar to the people of the West of Ireland long before I appeared on the scene or the Land League was established, I contend that although I may be robbing myself of some credit—that the Land League movement was really a continuation of a movement that had been handed down from the Tenants' League of 1852, right down to 1879, passing under the names of the Tenants' League and the Tenants' Defence Association. So that the agitation which I set going in Mayo in 1879 was really only giving support to a movement that had existed and worked all along in these years to bring about a radical reform in the Land Question of Ireland. In this book of Father Lavelle's there is an advocacy of peasant propriety. In Mr. Butt's works he goes in for the same solution of the Irish Land Question that Mr. Parnell embodied in the platform of the Land League as it was published in Dublin in 1879; so that, instead of putting new ideas and new principles of reform before the Irish people for the first time in 1879, I was only voicing the principles and opinions that had been written and spoken by far more eminent and able men for years before I had at all appeared on the scene. I had intended giving some extracts from these works, but your Lordship's observations have discouraged me somewhat. I maintain, my Lords, that in 1879 there was nothing for the peasantry of Mayo or of Connaught, or of Ireland, to hope for from the landlords, in the face of threatened famine of 1879, except a repetition of the same heartless and inhuman conduct which had characterised these classes, when the people upon whose toil and sweat they subsisted were dying of starvation in 1848. And true to these instincts, the first action which the landlords of Mayo took in 1879 was to call a meeting in Castlebar to demand more police and more protection for themselves from the Castle. And here I wish, to quote an article from the "Times," written in what Sir Charles Russell has termed one of the lucid moments of that paper. It is an article, along with others, to which I will have to refer later on, and was reprinted by the "Times" in 1880, so that the sentiments which it expresses are, by the fact of this reprinting, rendered as a contemporaneous expression of opinion by that paper with the foundation of the Land League in 1879 and 1880.

(*The President.*) What does the reprint purport to be?

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(*Mr. Davitt.*) It is a series of leading articles on the great Irish Famine of 1845 and 1846—"A collection of leading articles, letters, and parliamentary and other public statements reprinted and published by the 'Times' in the year 1880," and the preface says—

(*The President.*) I suppose it is a collection of papers which were inserted in the "Times" by what is called the "Times" Commissioner.

(*Mr. Davitt.*) No, my Lord.

(*The President.*) Not that?

(*Mr. Davitt.*) No, my Lord, they are leading articles.

(*The President.*) And one or two selections of letters.

(*Mr. Davitt.*) I do not think there is any of the "Times" Commissioner's letters in this anyhow. I simply refer to it because it was printed in 1880.

(*The President.*) I only wanted to get exactly what it was.

(*Mr. Davitt.*) The motive in doing it is stated in the preface.

"The recurrence of severe distress in Ireland has suggested the publication of this volume, which contains a reprint from the "Times" of leading articles, letters, and parliamentary and other public statements during the great famine of 1845-1846. It is thought that such a reproduction of the measures then proposed or adopted, and the opinions then expressed, cannot fail to be highly instructive and interesting, now that after a lapse of more than 30 years, the sister island is again suffering from deficient harvests. The comparisons thus suggested between that time and the present—unless we are much mistaken—will be found to throw a broad light over some of the most important political and social problems; such as the effects of free trade on the food supplies of a people; the influence of emigration since it has been brought within the reach of the humblest classes; Poor Law legislation as a means of counteracting famine; and the results due to the modifications which the tenure of land has undergone in Ireland. The retrospect thus supplied by these pages can scarcely fail to command attention."

If your Lordships remember, I have read one or two articles from this collection during my examination of Mr. Lowden my object being to show from the articles on the famine—articles published by the "Times" in 1880—that the peasantry of Mayo had nothing to expect from the Mayo landlords, either from their sense of justice or from their humanity or from their recognition of what was due to those who gave them everything in the shape of rent. And the extraordinary charges made against these landlords in 1880 by the "Times." Because I maintain these sentiments belong to the "Times" of 1880 as well as belonging to the "Times" of 1845 and 1847, because the "Times" republished them in 1880. And I contend that out of the mouth of the "Times" I can justify myself and those of my colleagues who called upon the peasantry of Mayo and Connaught in 1879 to save themselves from such a disaster by the organisation which subsequently became known as the Land League. And as I have confiscated a great portion of my speech in obedience to your Lordship's very wise and proper remarks, perhaps, I may be allowed to quote a few of these leading articles from the "Times" itself through its re-publication uses this language. I quote from page 30 of this book, which I think Sir Henry James has got a copy of:—

"But we entertain no doubt whatever that the hungriest and most squalid bogholder in Connaught, whatever his present condition, if it should be considered an object, could with judicious treatment be brought to bear a dinner of turtle soup, roast beef, pheasant, and ice punch every day of his life, in short, without being very much the worse for the change. So thoroughly are we the creatures of habit, and so easily adapted to the most disagreeable changes. The potato, therefore, has no more claim to be considered the Irishman's national food than that very wholesome and palatable dish which is called in this country an 'Irish stew,' or any other production of which Ireland is proved to be capable.

"It is not in the *physique* of the peasant, but in the moral and commercial system of the landowner that we must look for the natural *habitat* of this root. It is one of the means by which the landlord exacts a rent wholly out of proportion, not indeed to the natural wealth of the soil, but to

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“ the capital invested upon it. In a country without capital, and without
 “ that security for life and for property which capital require, the comforts
 “ and decencies of life pull against rent. Could the Irish live on the tops
 “ of their potatoes they could then give the roots to their landlords.
 “ Could they go abroad without clothes, each family would pay, perhaps, ten
 “ shillings more than it does—such being possibly the annual outlay in that
 “ fashionable luxury. The commercial principle of this view is familiar to every
 “ householder. No person of ordinary prudence will keep a hunter to do the
 “ work of a nag, a horse to do the work of an ass, or a man to do the work of a
 “ boy. A regard for appearances will occasionally require a deviation from this
 “ rule; for whatever a certain noble lord may think to the contrary, even a
 “ curate's wife will hardly think ‘a donkey cart’ a suitable conveyance. Where
 “ profit is the question, the general rule is to adapt the means to the end, and to
 “ be as thrifty as the habits of those with whom we have to deal, and our own
 “ charity or delicacy will allow.

“ It is for a good reason, therefore, that Irish landowners are always so
 “ ready to back up the potato. ‘Pat thrives upon it,’ they cry. ‘See what
 “ ‘work he does on a good dish of murphies! He would not thank you for
 “ ‘bread.’ In ordinary times nothing can compare, we are told, with the
 “ ‘potato. ‘Bring it into England,’ our provincial philanthropists are
 “ ‘exclaiming. ‘Give every man his quarter acre of potatoes, and he
 “ is independent. No need, then, of poor laws or labour rates.’ Happily,
 “ however, nature in a larger sense of that much abused term, protests
 “ against this deliberate degradation of her sons. Every now and then she
 “ throws in an item peculiarly her own, which fearfully disturbs the false balance
 “ of the base calculation. Blind ignorance and mad discontent,—conspiracy and
 “ rebellion, dearth and pestilence, and every other disorder incident to human
 “ existence, reduced to the very zero of support, prove to the statesman, if not to
 “ the landlord, that there must after all be an error in the account. The cheap-
 “ ness of savagery fails to compensate for the expense of controlling its outbreaks.
 “ A nation of barbarians may be cheap to the landowner, but it is ruinous to the
 “ State. A costly soldiery and police must make up for the inferiority of the
 “ domestic standard, and when the lowest possible average of life sinks occasion-
 “ ally to a level below the stretch of the most elastic endurance, the nation is
 “ called in to supply the terrible gap.

“ That, in fact, is what the landowners of Ireland are now, with an impor-
 “ tunity approaching to impudence, demanding of the Imperial Government
 “ and Legislature. ‘The potato has disappointed us for once,’ they say, ‘so you
 “ ‘must make it up for this year, and help us on to the next.’ The only use
 “ of corn is to prop up the potato. Instead of considering that whatever is
 “ done, the wretched policy of encouraging this crop has already entailed a
 “ serious loss to the nation by enhancing the price of all other goods, these
 “ gentlemen consider that the State itself must immediately aggravate that loss
 “ by an immense artificial drain of food into Ireland, sure as it is, under such
 “ peculiar circumstances, to be most wantonly squandered. ‘All that Ireland
 “ ‘wants is the potato,’ but then, when the potato fails, the whole nation is to
 “ advance a loan or a gift, for it is much the same thing, to the amount of three
 “ or four million quarters of wheat, in order to make up the failure. This is like
 “ doing without warm clothing, but reproaching one's neighbours with inhumanity
 “ because, when the winter does at last set in, they will not part with their
 “ blankets and great coats. If we are exaggerating the tone of these aristocratic
 “ mendicants, we beg to refer to their words. At a great meeting of landlords
 “ held at Castlebar last Saturday, the Earl of Lucan presiding, the Marquis of
 “ Sligo proposed and carried, we have no doubt very triumphantly, the following
 “ resolution.”

Well these are Mayo landlords anyhow; and in 1879, as in 1847 or 1845, when this
 article was written, these same landlords met in Castlebar, and in answer to a demand
 by their tenants for a reduction in their rents, in answer to the appeal from the
 charitable in Ireland for donations towards saving people from starvation, these same

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landlords met, as I say, at a meeting in Castlebar, and asked for more force—asked for coercion from Dublin Castle.

The "Times" goes on commenting at the end of the article—

"We are only remarking on the naked shamelessness of the admission in a county meeting of Irish landowners. One pain of confession would at least have helped to atone for the error here revealed. Had the landlords only resolved that, owing to the unfortunate, heartlessness, extravagance, and folly of themselves and their predecessors, their tenantry were dependent on the least nutritious and most precarious of diets, we might have had the satisfaction of hailing some promise of amendment; we might have accorded a munificent grant in the hope of return. But it is too clear that so long as the State is ready, at the cost of all the provident and generous part of the nation, to prop up the occasional breakdown of this wretched dependence, the Irish landlord, will still continue to consider the potato the natural food of the Irish peasant."

Again, my Lord, at page 36, the leading article says:—

"But nothing will strike so deadly a blow, not only at the dignity of Irish characters, but also the elements of Irish prosperity, as a confederacy of Irish proprietors to dun the national Treasury, and to eke out from their resources that employment for the poor which they are themselves bound to provide, by every sense of duty to a land from which they derive their incomes. It is too bad that the Irish landlords should come to ask charity of the English and Scotch mechanic in a year in which the export of produce to England has been beyond all precedent extensive and productive. But it seems that those who forget all duties forget all shame. The Irish rent must be paid twice over."

That, my Lord, is a sentiment that would be almost worthy of the "Irish World" at this time, in 1880, to be read by myself and others who started this agitation against these very landlords in the west of Ireland, after these landlords had refused to come to the assistance of a people who were again threatened with the horrors of famine and starvation.

At page 42 the "Times" again says, referring to the landlords and their duties:—

"We only ask that the two may stand or fall together. If the landlords demand the rights, let them submit to the duties of their position. If there is to be a military occupation, let there be also an available system of employment and relief. We confine ourselves to the capabilities of the subject. We say the one demands the other. If we are to send over an army to Ireland to oust the interloping peasantry from their miserable squattings and subdivisions, whither are we to send them? There is the question. To the roadside? To the pestilential suburb of the crowded town? To the seaports? To the *noyades* of the dreary Atlantic? Noble service this for an Anglo-Irish army! Perhaps also possible! No. When something in the nature of a refuge is provided, when poverty has its alternative, then will be the time to think of more rigorous laws of property. Do not import the English system into Ireland by halves."

And then, my Lords, there is a very important article here on page 45, from which I will ask your Lordship's kind permission to read a little:—

"When future economists strike the balance of favours and duties between England and Ireland, they will probably scrutinise the traffic of the Irish Channel more closely than we are wont to do. They will insist much on the fact that the food of millions will annually pass to the richer and happier shore. They will not reconcile this with the alleged improvidence of the Irishman quite so easily as we are wont to do. They will inquire very diligently what England gave in return. When their researches bring them to that crisis which we are now actually suffering, they certainly will be struck, perhaps even unduly by the fact that while England was avowedly feeding Ireland, while both countries agreed in that view of their position—while all classes of Irishmen were flinging themselves more and more upon the bounties of the

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“ empire, whole fleets of provisions were continually arriving from the land of
 “ starvation to the ports of wealth and the cities of abundance. Scarcely a day
 “ passes without every great port of this country seeing this visible contradiction,
 “ or rather this painful anomaly. We are emphatically reminded that it is not
 “ to Ireland herself but to her social state that the famine is attributable. This
 “ is no exaggeration, no paradox. What, also, will the future historian feel when
 “ in the very columns which he is searching for the distracting and harrowing
 “ notices of Irish destitution, he lights on such a paragraph as that which ap-
 “ peared in our yesterday’s impression, and which, in fact, is only one out of the
 “ many we could quote from the last few weeks?”

Then there is a list of ships that brought food from Ireland to England. And with reference to this, it has been made a charge by all the witnesses who are charged here in this case—a charge made by them against the system of Government in Ireland—that in the years 1845, 1846, and 1847 they had ample and sufficient to maintain the people of Ireland, and to save the country from the horrors of the famine if it had been left in the country for the people, but it was sent to England. I sent elsewhere to be converted into rent, for the Irish landlords, who, according to the “Times,” had not the humanity to share in that time of distress this rent with a starving people.

Then, my Lords, at page 62 there is another brief extract from an article which I read:—

“ The Irish poor must be relieved by somebody, and the somebody is the
 “ State, in the first instance operating through these clumsy Relief Acts, simply
 “ for want of a regular machinery. For the future—we will take no denial—a
 “ good old English poor law. We in England maintain our own poor; and,
 “ unless the Irish landowners are prepared to see the British public deliberately,
 “ formally, and explicitly demanding a summary confiscation of the whole soil
 “ of Ireland, they must and shall maintain theirs.”

Well, that is from the “Times,” and says that England will confiscate the land that is the property of the landlords of Ireland, unless these landlords do what English landlords I am sure invariably do, help their tenants, save their tenants, feed their tenants when misfortune comes upon them. Well, Mr. Parnell has never gone so far as to threaten to take the land from the landlords in Ireland without any compensation whatever. Yet the “Times” would have your Lordships believe now we have done nothing but preach doctrines of confiscation.

Then on page 66 there is another article from which I will read an extract, with your Lordships’ permission:—

“ This of course is not all, not only now, but for the future Irish poverty,
 “ Irish labour, Irish superabundance of population, Irish prisons, asylums,
 “ criminal prosecutions, and an endless list of etceteras, are all to be thrown on
 “ the Imperial energies and resources. The State, at its own expense and, of
 “ course, on its own responsibility, is to select the very poorest of the peasantry
 “ and draught them off by wholesale to the shores of America, or anywhere else
 “ out of the landlords’ way. When the people are thus disposed of, the State is
 “ to take the soil in hand, reclaim wastes, and so forth; and when it has converted
 “ the wilds of Connemara into good Lothian farms, it is to sell them back cheap
 “ to their former proprietors.”

Then, my Lords, at page 78 there is an article from which I will read another extract:—

“ Every working man in this island has an Irish peasant on his back, and
 “ may deem himself only too fortunate if both are not floundering in the mud
 “ before next August. But if these 50,000 able-bodied Irish navigators have no
 “ particular claim, no more have the landlords. Give them 170*l.* per acre for
 “ their land, give them their shares at a premium. What is there to tie the
 “ money down to the Irish soil, and stay it from going that road marked by foot-
 “ steps all one way, that leads to the den of the devouring absentee.”

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A pretty strong expression, my Lord, from a paper like the "Times" with respect to Irish landlords.

I pass over some that I had intended reading from the same publication, in order to make the infliction as brief as possible upon the Court. But there is an article here which I will read all through, and endeavour to make that my last quotation. It is on page 107 of this publication of the "Times."

"Where is the Irish malady to end? How far are the symptoms to proceed before we can congratulate ourselves on arriving at the crisis of the disease? What new forms of moral or physical evil are to be developed before we can approach its termination? It is difficult for us, reposing in the tranquil contemplation of metropolitan wealth and general comfort, to realize the horrors which are told us of that which is truly a great famine. It is only when some one habituated to the luxury and opulence of England undertakes a pilgrimage of mercy to those shores of sickness and suffering that we are made sensible of the fearful visitation from which we are separated by so slight an interval. Then it is that the enmity of what we escape and they endure is brought more forcibly to our minds by the minuteness of detail which is in strong contrast with the generality of an account purely Irish. We then acknowledge the presence of a calamity more severe than famine, and a destroyer more cruel than the *aphis vastator*, a dearth of those virtues and affections which enable men to brave national calamities with serenity and success."

And then it goes on in that way,—

"And what a state of things is it that he describes! Corpses festering together in ruined hovels, and breathing contagion on the survivors of the pestilence, or crammed in baskets and hurried in the precipitation of unceremonious fear to some unconsecrated grave; the people prostrated by disease, hunger, and panic, and in the midst of this great physical suffering, the graver moral evils which are limited in their causes and effects to no one single period—apathy, indifference, cruelty, despair. While the many are perishing, the few are hoarding or extorting. While the desolation of one dearth is glutting unhallowed sepulchres with unpitied victims, the consequences of another are slighted and forgotten. While the famished mother bears on her shoulder the dead child whom hunger has slain, the rich man shuts his pocket, and the union its door. While, too, all signs and suffering bid men fear and guard against another unfruitful harvest, the ground remains untilled, the seed unsown, and the best bounty which policy could devise or charity dispense is unheeded and rejected! So strange, so wondrous, so incomprehensible is the complexity of Irish character and calamity. A vessel sails freighted with the produce of last harvest. It is besieged by expectant crowds. Its cargo is seized by the ravenous competition of starvation, or protected by the arms of a military force. But the seed which is to raise other harvests, and to supply future years, finds none to buy, and hardly any to beg it. So strong is the imperviousness of association, and so rooted the senses of a bad social system, that the people forbear to purchase the means of a future supply, because they fear it may be distrained for rent.

"'Jacob Omnium' may be unfortunate in the scenes of his visitation. All places may not be like Letterbrick, all landlords may not be like the Mulligan. But why is it that in Ireland, and nowhere but in Ireland, events occur such as he witnesses, and men are found such as he paints? We believe, for our own parts, that there are no few good landlords in Ireland; we also believe that there is no small viciousness in the peasantry. But why is it that the former are lost and buried in the general leaven of their class? Why is it that the latter is so potent for mischief? This is only throwing the question a degree back. The condition of Ireland is not caused by the number of bad landlords or bad tenants. It is caused by that neglectful and indifferent state of things—that want of system—that absence of social regulation without which the rich and the poor are ever in a state of mutual hostility. In Ireland the rich man has been taught to think that the poor man has no claim upon him. The poor man, neglected by the law, has learned to vindicate his rights

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“ by its infringement. The one extorts and oppresses, the other cheats or
 “ assassinates. The worst effect, then, of a bad system is thus realised. The good
 “ suffer for the bad. The tenant, demoralized by a sanctioned iniquity, evades
 “ the payment of his rent. His lessor treats his own landlord in the same way,
 “ and thus many are deprived of the means of practising that charity which is
 “ at once congenial to their natures and accordant with their station. On the
 “ other hand, the peasantry, made callous by the affliction of one year and the
 “ injustice of many, filch from their landlords their legal dues, and from the land
 “ its natural tribute of labour, in order to transport the joint accumulations of
 “ fraud and imposture to some foreign shore or remote province. On the other
 “ the landlord, irritated by the pride of caste and the jealousy of covetousness,
 “ blinds his conscience to the wretchedness of his starved dependants, and while
 “ he stoops to solicit for his own kinsman or household the degrading alms of
 “ English charity, shuts his ear and his purse to the wail of destitute industry,
 “ to the rightful demands of the worn-out and infirm labourer, and the plaintive
 “ supplication of orphan or widowed helplessness.”

Then the article continues, or ends rather—

“ They have lived and do live in a state of society which recognises no
 “ dependence of poor on rich; no claim of poverty on property; no duties of the
 “ few to the many. When this licence is guaranteed, is it not natural that many
 “ should avail themselves of it? When they do so, is it not intelligible that the
 “ reputation of their class should suffer for it? And when—in addition to this—
 “ some of their body, instead of helping by their means, or suffering in company
 “ with these by whose labour they have been supported, come forward crouching
 “ and cringing to the voluntary agent of English charity for a sop of his
 “ eleemosynary *sportula*, is it strange that English indignation should be kindled
 “ at this shamelessness, and should denounce that miserable system which has
 “ made the class of Irishmen at once mean and oppressive, while it has made the
 “ other helpless as slaves and reckless as savages?”

Well, my Lords, it is unnecessary to say the system there so strongly and emphatically denounced is the system of landlordism which the Land League was organised in 1879 to have abolished by the action of the Legislature. Now that these very severe strictures from the “Times” were merited no one will deny who has read the history of the great famine, and they were as true and as applicable to the remaining landlords of Ireland as to those of Mayo. To prove that I had intended to quote from Father O'Rourke's History of the Famine, from the transactions of the Society of Friends, and from speeches by Lord George Bentinck in the House of Commons, but I very much fear that your Lordship's observations a short time ago have disposed of this part of my argument. I will spare your Lordships the infliction of the story of the famine of 1845, 1846, and 1847 as told by the “Times” and by other authorities. It is a painful story to go into, because the famine of those years and the action of the landlords of Mayo were the cause of my physical and other misfortunes. We were evicted in Mayo shortly after the great famine, and the house in which I was born was burned down by the agents of the landlord, aided by the agents of the law. That fact in my history would not be calculated to make me the friend of Irish landlordism or a warm supporter of that law that had enabled Mayo landlords to perpetrate deeds of that kind under those circumstances. I remember, though I was but a child, we went to the workhouse a few miles away, and we were refused admission because my mother would not submit to certain conditions which were imposed upon all those who sought the shelter of those abodes of misery and degradation; and I remember many and many a time in our English home listening to her stories of the famine years. One fact contained in one of those stories made such an impression upon my mind that it had largely to do with the circumstance of my having started the land agitation in Mayo in 1879. I remember hearing from her a graphic account of how 300 poor people who had died of starvation round about where I was born between Strade and Swinford had been thrown into one pit in the corner of the workhouse yard at Swinford without coffin, without sermon, without anything which denotes respect for the dead; and so great an impression did this make upon me in my youth-

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ful days in Lancashire that when I first visited that place 25 years afterwards I went to the very spot where these bodies had been so buried.

My Lord, this personal experience is only akin to that which many of my class, many of the peasantry in Ireland, had on their own account. The heartlessness of the landlords in those years as proved by the "Times" in those articles that I have read; the indifference of the Government; the deaf ear that was turned to the representations of O'Connell and Smith O'Brien and others, convinced us—we may be right or we may be wrong in our conclusion—that the famine in those years was not looked upon as an unmixed evil from the English point of view. They wanted to get rid of the Celtic population of Ireland. They wanted, as the "Times" said in one of its ferocious articles, to drive out the Irish race and put in English cattle and English and Scotch sheep, and in that way to conquer a nation which had been subjected to them for centuries; and that, centuries after England had established her rule there, this great civilising nation, this great Christian nation, connived at the crime of the artificial famine of 1846 and 1847.

With reference to that famine there is one word I think it right to say about Lord John Russell. He was then the Prime Minister of England, and while some Irishmen have held him responsible for what happened in Ireland, I think that would not be just. Recent publications have shown that, notwithstanding what he may have done or sanctioned as head of the Government towards Ireland, he had a warm sympathy for Ireland. He thought of Ireland in a kind and affectionate manner, and in private life often, I believe, expressed the wish that he could with the concurrence of his colleagues pass some measure for the benefit of Ireland that would make the recurrence of these famines impossible in the future.

Now, my Lords, with these few observations with reference to Mayo landlords and their neglect of their duties in the great famine years, and the fact that the people of Mayo and Connaught remembered such neglect in those years in 1879, and consequently could hope nothing from the same landlords in the way of relieving their distress, I contend that they were justified in taking the course which I, in common with others, asked them to take, viz., not to depend upon the generosity or the humanity of the owners of the land, but upon themselves; not even to rely entirely upon the action of the Legislature or the Government that had proved a broken reed for the people of Ireland in the great famine, but to rely upon themselves, upon their own combinations, for fulfilling their own duties to their families: and instead of paying rent as they did in 1846 and 1847 and dying of starvation afterwards, I told them (I fearlessly say it here) that it was their duty to feed their children, and to think of the landlords' rent afterwards.

Now, my Lords, these evil results of landlordism in Mayo and Connaught I must dwell upon to a little extent, in order to fully justify the course which I myself, with others, took in the agitation of 1879. Mr. Bright, speaking in the House of Commons on the 6th of July 1854, in referring to the western counties of Ireland, described them as "these western counties in which no man can travel without feeling that some enormous crime has been committed by the Government under which the people live." Well, I adopt those words. No one can visit my native county of Mayo, can travel from Castlebar to Westport, or from Westport to the Killeries, or from Ballina to Belmullet, without seeing in the traces of humble homes, cabins pulled down, houses destroyed, and people driven into the workhouse or to America, without coming to the conclusion that some criminal act of government and criminal neglect has been responsible for this destruction.

Now, my Lords, what was the condition of things in the county of Mayo, and it will not, I think, be denied that Mayo was, and is still, a typical county so far as these counties are concerned which figure most in this inquiry? What was the condition of things in Mayo in the period of the land agitation of 1879? The condition of Mayo under the administration of the land system by the landlords is something like as follows: In Mayo in 1841 there were 68,425 inhabited houses, with a population of 387,887. In 1881 the inhabited houses were only 42,458; the population had come down to 245,212. I am quoting, of course, from the census returns of that year, and they are applicable to 1879. In 1881 there were 25,967 less inhabited houses and 143,675 less people than in 1841. Well, my Lords, estimating at 100*l.* each, the person's value to a country (I think that is the figure generally put

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down) the loss in this way to Mayo alone would be no less than 20,000,000*l.* without counting the value of the 26,000 inhabited houses, which had also disappeared in the same period. This depopulation might be excused upon economic grounds if the result was to improve the social condition of those people who had not been driven out or exterminated. But the social condition of the peasantry of Mayo had made no apparent improvement within that period, notwithstanding this extraordinary thinning of the population. And then, notwithstanding, this emigration through eviction and other causes, landlord clearances were carried out. The people were driven away to make room for cattle; yet there came no material improvement in the social life of the remaining population to give the country some compensation in the shape of prosperity and peace as a return for what had been driven from it.

In an able article which appears the "Nineteenth Century" Magazine for July 1883, from the pen of the late universally lamented Mr. A. M. Sullivan, there is an account given not only of the depreciation in stock and in other kinds of peasant property all over Ireland, but it is demonstrated that the lessening of the population, and the emigration that had taken place, had in no way fulfilled the prophecies and expectations of those who always said that the one cause of the ills of Ireland was its congestion, was its over-population. I intended reading that article, but I will pass it by. It is to be found in the "Nineteenth Century Magazine" for July 1883, and is a very thoughtful and very clearly and ably reasoned out article.

In 1879 the tenant habitations of Mayo and Connaught were generally speaking squalid and poor. These dwellings, as a rule, consist of two compartments, one small and often the only apartment in which all the functions of domestic life are carried on. In fact, over a million of the Irish people live at the present day in one-roomed cabins. Evidence has been given as to the character of these dwellings by witnesses for the defence, the food upon which the tenants subsisted, and the source from whence the rents for their lands came. As to the land in the occupancy of a large portion of the Connaught tenantry, it would be practically worthless, and would have no commercial value, were it not for the constant application of the tenants' labour to the soil. The rents that have been and are still exacted from such land, though they are now reduced through the operation of the Land Act, are a levy, and manifestly unjust levy, upon the property which the occupier's industry has created in his holding. But before these reductions were made, before the Land Act was passed, as a *post facto* evidence for the necessity of the movement which began in Mayo in 1879, the tenants upon the estates of the Mayo landlords were rented without any regard whatever to the claims of justice or the intrinsic value of the land they tilled. These rents thus screwed out of a semi-pauperised tenantry were largely made out of the earnings of the migratory labourers, who in immense numbers crossed over to England each year. It is on record that the rents upon Major Pike's estate in the wretched Island of Achill, the agent of which estates was examined in the witness-box, were raised more than once because there was good market for labour in England. I think it important in this connexion to quote from a speech delivered by Mr. John Bright in the House of Commons during the passage of the Land Act in 1881. It bears directly upon the West of Ireland and upon these migratory labourers who go over to England every year and who pay out of their earnings rents to such landlords as Major Pike, Lord Sligo, Lord Lucan, and others; but as I could not get through the quotation before the time for adjournment I will thank your Lordships to break off now.

Adjourned for a short time.

(Mr. Davitt.) My Lords, I was making some observations upon the social condition of the people of my native county of Mayo, where the Land League agitation started, with a view of showing that the clearances and the emigration that had taken place in the previous generation had not in any way benefited the peasantry of that part of Ireland. And my object in dwelling, or intending rather to dwell, at some length upon those social conditions was to make good what I laid down in my opening observations, viz., this position, that the unhappy agrarian outrages and crime that took place in the years 1879, 1880, 1881, and 1882 were attributable to these social conditions and to the plea of economic causes, and not, as the "Times" alleges, to either my teaching or

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[Continued.]

to the work of the Land League. However, I do not for one moment find fault with your Lordship's ruling that that reference to the failure of the Legislature to provide adequate remedies for this condition of things, was not within the privy of this Court. But I would wish, before dealing directly with the Irishtown meeting and what followed, to quote from this speech of Mr. Bright's, because he deals with the tenantry of Mayo and with the migratory labourers who go every year to England and earn there the rent that is afterwards paid to the landlords.

We have been charged either explicitly in "Parnellism and Crime" or by the "Times," with having taught doctrines of confiscation and robbery to the people of the west of Ireland, people who would, according to the "Times," have paid all the rents demanded of them by the landlords, were it not for the wicked principles that the Land League and myself are alleged to have propounded there and elsewhere.

On that occasion Mr. Bright spoke as follows:—

"I believe if you had here an audience of tenant-farmers from Ireland"—

(*The President.*) Are you quoting that from his collected speeches?

(*Mr. Davitt.*) I am quoting from the "Times," my Lord, I think. I will tell your Lordship in one moment: no, I beg your Lordship's pardon, I am quoting from the "Irishman" of May the 4th, 1881, pages 723 and 724. Where that paper took the speech from, of course I cannot say; possibly from the "Freeman's Journal," probably from the "Times." However, I do not think the accuracy of the quotation I give will be called in question by the other side. It was on the first reading or the second reading, I think, of the Land Bill of 1881, and was in reply to a speech by Sir John Holker, who, I think, was then either Attorney-General or Solicitor-General.

(*Sir H. James.*) Ex-Attorney-General.

(*Mr. Davitt.*) Thank you. Ex-Attorney-General or Solicitor-General at the time. Mr. Bright, after some introductory matter, said:—

"I believe if you had here an audience of tenant-farmers from Ireland, such as we are accustomed to see in the country at the stations and at the fairs, &c., and you were to put it to them, they would say that they were willing to give an adequate and fair rent to the owner on condition that you should give adequate security to them. I think they would do this. I do not believe they would ask for more, and I do not think they are likely to be content with less. . . . If you complain that the Bill gives too much to the tenants, and takes it all from the landlords, I should make this answer: If all that the tenants had done were swept away off the soil, and all the landlords had done were left upon it, over nine-tenths of the land of Ireland would be as bare of house and garden, and fence and cultivation, as it was in pre-historic times. It would be as bare as an American prairie where the Indian now roams, and where the foot of the white man has never trod. . . . We have heard to-night reference made to their virtues and to their vices. I shall say nothing of their vices. All people, I think, almost, have a sufficient number of critics, and it is not necessary that I should add to their number. But with regard to their virtues, there are two things which have struck me very much with regard to these poor people who live in Connaught. See what they do every harvest. They make a journey, these men living in hovels scarcely better than wigwams, and having three, or four, or five acres of land that really is so poor that it seems almost impossible they should live upon it. Mr. Tuke has given in his pamphlet the testimony of a Yorkshire farmer visiting that region, who said he believed the farms had on them what was three or four times of the original value of the land, which had been put on the land entirely by the small tenants,"

and so on, my Lords, to the end of the speech, the argument being that whatever value these poor people in Connaught, especially in Mayo, found in their holdings was value given to those holdings by their labour alone, and not by any expenditure of money or of effort on the part of the landlord owner.

I can add nothing, my Lords, to the eloquence, the justice, the humanity of these utterances of one of the most patriotic and straightforward statesmen which England

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has ever produced; and I ask from this Court a careful study of these words when judging of the causes which operated to the birth of the land agitation in Mayo in 1879. It has been put forward again and again in argument against the Land League, and doubtless will be adduced once more by Sir Henry James when he addresses your Lordships, that the Land Act of 1870 was a great measure of justice to the tenantry of Ireland, and that in its provisions—especially in the fourth and ninth sections of the Act—there was a legal protection against the confiscation by the landlord of the tenant's property in holding. But I answer as an all-sufficient reply to this argument: "Read the speech which I have just quoted from a statesman who helped to pass the Act of 1870; note his reasoning and his facts, and then say if the mere citation of the passage of the Bill of 20 years ago is any argument against the necessity or origin of the land agitation of 1879." This Act of 1870 did not prevent evictions as the records of the period show but too truly. According to the return of evictions and outrages put in by the Attorney-General on the 2nd of May, we find that in 1870 there were 151 persons evicted in Mayo, and a total of 677 evicted in the province of Connaught. In 1871 the numbers for the county and province respectively were 100 and 907.

	—	Mayo.	Connaught.
For 1872	- - - -	242	806
For 1873	- - - -	318	884
For 1874	- - - -	743	1,197

But of this year I must admit the same return gives the number who were re-admitted as caretakers at, for Mayo 392, and for the province 425.

	—	Mayo.	Connaught.
For 1875	- - - -	305	1,382

Only 98 of these 1,382 persons were re-admitted.

	—	Mayo.	Connaught.
For 1876	- - - -	70	528
For 1877	- - - -	181	608

I do not know how many of these were re-admitted as caretakers. It is not given, I think, in the report.

	—	Mayo.	Connaught.
In 1878	- - - -	214	1,815
In 1879	- - - -	371	1,552
In 1880	- - - -	106	1,986

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Now, my Lords, by these figures we find, as a comment upon the alleged efficiency of the Land Act of 1870 to keep the tenants of Connaught in their holdings, no less than 10,758 people evicted between the Acts of 1870 and 1880 in this one of the four provinces of Ireland. Of this number 1,910 persons were re-admitted to their holdings, but this still left 8,848 human beings as having been actually turned adrift from their hearthstones, homeless, in a province which had already within a single generation lost more than half a million of its people by eviction, famine, and emigration.

My Lords, one of the objects which I had in view when starting the land movement of 1879, was to strike down, to put an end to the system which had, in this way, for generations, violated the natural rights of the people of Ireland. It is alleged by the "Times" that the Irishtown meeting and the agitation which followed were the outcome of preconcerted plans on the part of the Fenian organisations for an ulterior object, namely, the complete national independence of Ireland; but I have denied on oath, and so have other witnesses, this allegation.

I have already, when dealing with other charges against me, refuted by the testimony of facts what the "Times" has attempted but failed to prove with reference to the origin of the Land League. The complete abolition of the Land League system, no matter what might or might not be the ultimate political consequence to Ireland or England, was and is a perfectly legal and constitutional end to work for if the means employed are not unconstitutional. The law as it stood in Ireland in 1879 and 1880 permitted the right of public meeting and of open combination, and I challenge the "Times" to prove that these were not the means, and the only means to which we resorted when the movement was inaugurated.

It is true I was at this time a member of the Supreme Council of the I.R.B. and some of the speakers, and numbers of the people who attended the Irishtown meeting were Fenians, or had at one time been. But, as I will prove conclusively by evidence, neither the Supreme Council, nor any section of the I.R.B. or Fenian movement had anything whatever to do with or say to, the organisation of that meeting. The men who were responsible for the meeting were acting either as farmers, farmers' sons, or as Radical land-reformers who believed that landlordism was the source and seat of Ireland's poverty and social discontent. Men, for instance, who are members of a Masonic Lodge may take part in Fenian, or Tory, or Liberal movements without having Masonic objects in view. Men, like myself, who participated in this Mayo agitation knew that it was contrary to the principles of the I.R.B. to recognise in any way movements or methods constitutional. A short time previous to the meeting at Irishtown a fierce controversy arose in the columns of the Dublin "Irishman," then the reputed organ of the I.R.B. and edited by Pigott, and this controversy took place over a lecture which I had delivered in Brooklyn, New York, at which Devoy made a speech; and the columns of the "Irishman" at that time will show that numbers of anonymous writers wrote letters denouncing me for having gone over to the constitutional party and for having advocated a constitutional means of redressing the wrongs of Ireland. In an interview between myself and a reporter of the "New York Daily World" in July 1882 I gave the following account of what led up to the Irishtown meeting. This interview has already been quoted from. It was not, and could not well be, as careful and as accurate a statement of the facts and circumstances of the movement spoken about as if it had been written by me with the express object of publishing the story of the inception of the Land League. The interview took place in railway journeys during a brief and crowded lecturing tour in 1882, the reporter transcribing during the time I was engaged with public meetings the conversations which took place on our way from city to city. Still the story, excepting some historic matter which has no bearing on the question of the Land League, is substantially accurate and gives the facts as they occurred. I will not read from this interview the account therein given to the public seven years ago of what I had personally to do with the Irish town meeting and the agitation which followed; only a brief extract, which will not trouble your Lordships too much:—

"I went into the west of Ireland"—

(*The President.*) Where are you quoting that from, Mr. Davitt?

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(Mr. Davitt.) From an interview in the "New York Daily World" of July 1882.

(The President.) For convenience of reference, is not that in Mr. Cashman's book?

(Mr. Davitt.) Yes, my Lord, it is included in Mr. Cashman's book, and can be found there by Sir Henry James.

(The Attorney-General.) It is page 213 of Cashman.

(Mr. Davitt.)—

" I went into the west of Ireland on my return, when I found that my plan
 " was denounced by the leaders and the organs of the Nationalists. I saw the
 " priests, the farmers, and the local leaders of the Nationalists. I inquired and
 " found that the seasons of 1877 and 1878 had been poor, and that a famine
 " was expected in 1879. All the farmers and cotters were in debt to the land-
 " lords and shopkeepers. One day in Claremorris, county Mayo—it was in
 " March 1879—I was in company with John W. Walsh, of Balla, a cousin
 " of mine, who was a commercial traveller. He is now in Australia in
 " the interests of the Land League. He knew the circumstances of every
 " shopkeeper in the west of Ireland, their poverty and debt, and the poverty
 " of the people. He gave me a great deal of valuable information. I
 " met some farmers from Irishtown, a village outside of Claremorris, and talked
 " to them about the crops and rent. Everywhere I heard the same story, and I at
 " last made a proposition that a meeting be called in Irishtown to give expression
 " to the grievances of the tenant-farmers, and to demand a reduction of the rent.
 " We were also to urge the abolition of landlordism. I promised to have the
 " speakers there, and I promised to get the audience. I wrote to Thomas Brennan,
 " of Dublin, John Ferguson, of Glasgow, and other Irishmen known for their
 " adherence to Ireland's cause, and I drew up the resolutions. The meeting was
 " held and was a great success, there being between 10,000 and 12,000 men
 " present."

Then I go on to give some further reference which is not material but which can be read by-and-bye if it in any way contradicts what I have just stated.

This, my Lords, is the account which I gave, in the manner explained, of the origin of the agitation which finally led to the organization of the Land League. The story was told, as I have said, 10 years ago when there was no expectation of an investigation into the history and work of the League by your Lordships. And, making allowance for what I fear I must in justice call the egotism revealed in the narrative, your Lordships will find no evidence of ulterior purpose or criminal design in the story so told. It is necessary to point out also that the interview took place in America, where it would have been to my interests, personal and political, to have given a purely American origin to the League movement, if I could have truthfully done so. I may also remark that the expressions "I saw that for Irishmen
 " to succeed they must be united, and that they must have a practical issue to put
 " before Englishmen and the world at large. When charges of great political
 " importance involving an alteration in the policy of a country like England, conser-
 " vative and somewhat slow to move, are to be brought about, there must be
 " something practical in the issue put forward." These expressions do not, I contend, reveal the purpose and design which the "Times" attribute to the men who organised the Mayo agitation. These words prove, as the whole interview likewise does, that the movement was meant to be constitutional, as I affirm it was, and as the evidence of the defence has shown. Extensive reference has been made by the Attorney-General to the speeches which Scrab Nally, P. J. Gordon, and a few others are reported to have delivered in connexion with the meetings in Mayo and Galway in 1879 and 1880. Quotations by the yard have been read from these oratorical performances with the object, presumably, of convincing your Lordships that the sentiments thus spoken were the expression of the spirit of the agitation which began at Irishtown. To refute this allegation I will quote as briefly as I can from the speeches which were made by the representative men who attended these meetings, and whose words were reported fully in the public press. Messrs. Nally and Gordon were at the Irishtown meeting, but I find no record of either of them having taken part in the speaking. And may I be allowed to say here with reference to these two men that I knew them personally, and believe neither of them would knowingly harm anybody. Scrab Nally was a hail

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fellow well met with everybody in the country—people, police agents, landlords—a rollicking good natured poor fellow who knew as much about political economy as of Greek, and whose utterances, when allowed to speak at all, simply occasioned laughter among the audience that would remain to hear him. I am certain there was not even a police officer or magistrate in Mayo who ever took poor Scrab Nally seriously, and the jury which tried the case of Parnell and others, and the Queen in the State prosecution of 1880, followed the example in this respect; they laughed at the man in his insane and ridiculous utterances. Mr. Gordon had more oratorical ambition than his immortalised friend; but his speeches were seldom or ever recorded any where but in the police note-takers' report. He was an uneducated man and spoke the language of his hearers generally after the meetings would disperse. As has been proved by the witnesses for the defence and admitted, I think, by one or two of the police reporters for the "Times." It has been charged by the Attorney-General that Scrab Nally and Gordon were organisers of the Land League. There is no truth whatever in the charge, and evidence has been given by Mr. Loudon and others who live in Mayo that neither of these two men were organisers of the Land League or held any position whatever in the Land League.

The chair at the Irishtown meeting was taken by Mr. James Daly, of Castlebar. The first resolution was proposed by Mr. Thomas Brennan, of Dublin, afterwards for a time secretary of the Land League. The resolution was written by me and read, as follows:—

"Whereas the social condition of the Irish people having been reduced
 " through their subjection to England and its coercive legislation, to a state
 " below that of any civilised country in the world; and whereas the mouth-
 " piece of English public opinion when speaking of continental misgovern-
 " ment in late years having declared that Government should be for the
 " good of the governed, and that whatever rules will fully and persistently post-
 " pone the good of their subject either in the interests of foreign states, or to
 " assist theories of religion or politics, such rules have thereby forfeited all claim
 " to allegiance, be it therefore resolved: 'That we Irishmen assembled to-day in
 " our thousands do hereby endorse the foregoing declarations as embodying
 " the position and wrongs of our misgoverned and impoverished country, and as
 " likewise affording us a justification for recording our unceasing determination
 " to resort to every lawful means, compatible with an outraged civilised people,
 " whereby our inalienable rights, political and social, can be regained from our
 " enemies."

I will now, my Lords, read extracts from the speeches delivered on the occasion, and I ought to say that a report of this meeting did not appear in the Dublin "Freeman's Journal," or in any Dublin or Irish daily paper. It appeared, I think, in the "Connaught Telegraph," a local paper published in Castlebar by the man who presided at that meeting, and this report was quoted from at the State trials in Dublin in 1881, and it is from a brief prepared for the defence in those trials that I have copied these speeches and these resolutions with reference to the Irishtown meeting. Mr. Brennan, who subsequently became secretary of the Land League, spoke, and I will quote this part of his speech. I will give the whole of the speech to Sir Henry James if he has not got a copy of it:—

"I will not tell you what my opinions are as to the best means by which this
 " state of things can be changed. I am but a student on this great question, and
 " there are some distinguished authorities on it to follow me; but I will tell you
 " that I have read some history, and I find that several countries have from time
 " to time been afflicted with the same land disease as that under which Ireland is
 " now labouring, and although the political doctors applied many remedies, the
 " one that proved effectual was the tearing out root and branch of the class that
 " caused the disease. All right thinking men would deplore the necessity of having
 " recourse in this country to scenes such as have been enacted in other lands, although
 " I for one will not hold up my hands in holy horror of a movement that gave
 " liberty not only to France but to Europe. If excesses were at that time com-
 " mitted they must be measured by the depth of slavery and ignorance in which
 " the people had been kept; and I trust Irish landlords will in time recognise
 " the fact that it is better for them, at least, to have this land question settled

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“ after the manner of a Stein or a Hardenberg than wait for the excesses of a
 “ Marat or a Robespierre. The Irish people have often been charged with being
 “ very sentimental. They say all our grievances are sentimental. Well, I trust
 “ the day will never come when all sentiment will be crushed in the Irish heart.
 “ But this is no mere sentimental question, it is one on which your very existence
 “ depends, and any change in the government of Ireland that would not also
 “ change the present relations between landlord and tenant would be a mere
 “ mockery of freedom. You may get a federal Parliament, perhaps, Repeal of the
 “ Union, nay more, you may establish an Irish Republic on Irish soil, but as long
 “ as the tillers of the soil are forced to support a useless and indolent aristocracy
 “ your federal Parliament would be but a bauble and your Irish Republic but a
 “ fraud. I am glad to see that Mr. Parnell, in addressing a meeting in Cavan last
 “ week, struck the right note, where he said the true solution of the Irish land ques-
 “ tion was the abolition of landlordism and the creation of a peasant proprietary.
 “ Now, while it would be good policy on your part to accept of any amelioration,
 “ anything that would stop rack-renting and eviction, you should also keep before
 “ your minds the fact that the Irish soil belongs to the Irish people, and rest
 “ satisfied with nothing short of a practical application of that truism. There is
 “ an opportunity for every Irishman, no matter how moderate or how extreme
 “ may be his views, to work for Ireland, and in the combined energy and
 “ unceasing labour of all classes of Irishmen lies the hope of the national
 “ cause.”

Now, my Lords, the next speaker is Mr. Malachy O'Sullivan, from some of whose speeches quotations have been read here, I think, by the Attorney-General in his opening statement, or subsequently by Sir Henry James, and this Mr. Malachy O'Sullivan was head clerk in the Land League from the time it was established in Dublin in October 1879 until, I think, about the latter part of 1880. This man O'Sullivan spoke at the Irishtown meeting, and I quote one or two sentences from his speech.

“ No man deplores more than I do the fate which unhappily some landlords
 “ have met with in this country within a quarter of a century. But in deploring
 “ the ends of these men I cannot forget the causes which gave rise to those
 “ unhappy fates. I heartily deplore the assassination of any landlord, however,
 “ bad, but just as heartily deplore the fate of the innumerable victims of the
 “ exterminator. I would therefore, to-day, save both classes—the tenants from
 “ the evictor—the evictor from the consequences of the revenge which his acts
 “ will be sure to inspire. I would only raise my humble voice to this vast
 “ assemblage of 20,000 persons in support of a measure which would give
 “ happiness and prosperity to the Irish race.”

Then, my Lords, the following resolution was proposed. It was also written by me, although I was not present at the meeting :—

“ That as the land of Ireland, just like that of every other country, was
 “ intended by a just and all-providing God for the use and sustenance of those of
 “ His people to whom He gave inclination and energies to cultivate and improve
 “ it, any system which sanctions its monopoly by a privileged and non-operative
 “ class, or assigns its ownership and control to a landlord caste to be used as an
 “ instrument of usurious or political self-seeking, demands from every aggrieved
 “ Irishman an undying hostility, being flagrantly opposed to the first principle of
 “ their humanity—self-preservation.”

Mr. John Ferguson, of Glasgow, who has been examined in this case before your Lordships, spoke next, and this is an extract from his speech :—

“ Mr. Ferguson then dwelt at great length on the import and export trade of
 “ the country, and demonstrated that it is only by breaking up the large tracts of
 “ territory owned by a few aristocrats, and dividing it amongst peasant pro-
 “ prietors, that a sufficient supply of food can be raised so as to check the
 “ enormous demand which exists at present for food imported from abroad. He

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“ pointed out how the land question has thus become one of vital interest to the
 “ artizans and working men of the great manufacturing towns of England, and he
 “ said that the time had arrived when it was the duty of Irish tenants and
 “ English working men to demand a settlement of the land question as will bring
 “ about the prosperity and happiness of the people. What is to be done to
 “ settle this question as between landlord and tenants, the question of ‘landlord
 “ and tenant has been settled in Europe before, and it has been settled in more
 “ ways than one. In France at one time a system of landlord tyranny prevailed
 “ something analogous to the system which exists in Ireland to-day, and the
 “ tenants groaned beneath an iron oppression, and how was the question
 “ settled? By giving the landlords ‘a short shrift and a long rope,’
 “ but he trusted that no one will attempt to settle the question after
 “ such a manner in England, Ireland, or Scotland. He did not wish to be
 “ understood as saying that liberty is not worth a drop of blood. He said that it is
 “ worth oceans of blood; but it is at all times better to obtain a redress of our
 “ grievances by peaceful means while they can be so obtained, so he would wish
 “ to see the land question in Ireland settled as it was by Stein in Prussia. Stein,
 “ finding that the system of feudal landlordism which existed in Prussia was
 “ injurious to the interests of the people and dangerous to the peace of the State,
 “ almost by a stroke of his pen suppressed the landlords and constituted the
 “ tenants owners of the soil.”

Mr. J. J. Lowden, of Westport, also spoke, and he has given evidence here before your Lordships, and among other things he said:—

“ Now, turning to our own country—if we have not witnessed remarkable
 “ developments of public opinion. The eyes of the English people have been
 “ opened to the system of misgovernment which was to us a scourge, to them a
 “ disgrace. Our wrongs are now not only discussed at public meetings and in the
 “ press, they are debated in the Houses of Parliament. The ballot has placed
 “ almost unlimited power in the hands of the people. If our grievances be not
 “ now speedily redressed we have only ourselves to blame. If measures having
 “ for the object the vindication of popular rights are rejected, it is because our
 “ representatives misrepresent or betray us. Let the people of Ireland return
 “ true men, and in a short time you will have a Land Bill which will leave you
 “ secure in your homes for ever. You will have more. You will have a Parlia-
 “ ment in College Green. Thus will arrive the time when Ireland will be mistress
 “ of her own destiny; thus will arrive the time when it will be the duty of Irish-
 “ men to undertake the consideration of those social problems upon the solution
 “ of which will depend the place their country will take amongst the nations of
 “ the earth.”

The last speaker I shall quote from was Mr. John O'Connor Power, who was at that time Member of Parliament for Mayo, a gentleman of great eloquence, and who has been distinguished in recent years for moderation of language. He has earned for himself the good opinion of eminent statesmen here in England.

“ Whence arises,” he says, “ this difference in the conduct of British and Irish
 “ landlords ” ?

He had been contrasting the kindness, justice, moderation, and attention of the English landlord with these qualities in Irish landlords.

“ It arises from the fact that we have no organised public opinion in Ireland,
 “ and the lords of the soil here may do the grossest acts of tyranny with
 “ impunity, acts which if committed in Great Britain would bring upon them
 “ the well-merited condemnation of the community. Now, if you ask me to
 “ state in a brief sentence what is the Irish land question, I say it is the
 “ restoration of the land of Ireland to the people of Ireland, and if you
 “ ask me for a solution of the land question in accordance with philosophy,
 “ experience, and common sense, I shall be equally brief and explicit. Abolish
 “ landlordism, and make the man who occupies and cultivates the soil the
 “ owner of the soil. I am afraid, however, that some time must elapse before
 “ we can induce Parliament to adopt a solution of the question which

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“ commended itself long ago to the ablest statesmen of Europe, and the
 “ enonomic and social value of which experience has amply proved. We must,
 “ therefore, take note of our present difficulties to apply an immediate
 “ remedy. Evictions must be stopped at all hazards. Ireland cannot afford to
 “ lose any more of her industrious children. She has lost too many already.
 “ True, we must resolve now at last to make a stand against the unholy work of
 “ the exterminator. I have great faith in the power of an enlightened public
 “ opinion, and, depend upon it, there is nothing tyrants dread so much as public
 “ exposure. Those who would banish the Irish people from their native land to
 “ which they have ever clung with the heart’s fondest affection and devotion
 “ deserve the severest censure and condemnation, and those who rob the poor
 “ farmer by exacting an unfair and exorbitant rent are the worst enemies of
 “ society, and if they cannot be reached at present by the strong arm of the law
 “ we must reach them and punish their iniquities by the strong voice of the
 “ public opinion of their country. I think it was St. Ignatius who said that ‘no
 “ man could pray well on an empty stomach,’ and I am sure no man can work
 “ well who is not fed well. Work is one of the highest forms of piety, and as I
 “ want to see the cultivators of the field work well, so I desire also to see them
 “ with plenty of food to eat and with decent clothes on the backs of themselves
 “ and their children. A bountiful Providence has blessed Ireland with a fruitful
 “ soil for the support of an abundant population, and we must take care that the
 “ tyranny of man shall not be allowed to frustrate His beneficent designs.”

Now, my Lord, this is the story of the Irishtown meeting and the inception of the Land League in Mayo, and I think that its sentiments, strong as some may be, do not indicate that there was any ulterior design, any revolutionary purpose beyond the organisation of this meeting into inception of this movement.

The next and more important meeting was held at Westport. I ought to say at once I am not going to inflict upon your Lordships any quotation from this meeting.

(*The President.*) I am glad you have referred to the Irishtown speeches; we have not had them in detail in evidence from either side.

(*Mr. Davitt.*) No, my Lords, I ought when I was in the box to have read them, or had them read in full. I will with the greatest pleasure supply a full report of them to Sir Henry James, and these speeches can be gone over, and if there is anything that I do not fairly bring out in this quotation it can be used in argument against me.

The next and probably the most important meeting was held at Westport. It was organised and most of the expense attendant thereon was defrayed by Mr. Lowden as he told you in his evidence. Mr. James Daly, of Castlebar, occupied the chair on that occasion. He also filled the chair on this occasion. The chairman said:—

“ The object of the meeting was to ask a reduction of rents on account of the
 “ depression of agriculture. Some parties, perhaps those in the rent office, or
 “ those sent from them, had circulated rumours that this meeting was got up for
 “ another object. It was not, and he denied the statement in the name of the
 “ tenant farmers of Ireland. It was also stated that it was a religious meeting.
 “ He was a practical Catholic and would not be present if such was the case.”

After some interruption he continued—

“ They had amongst them the great Grattan of the age, Mr. Parnell, who had
 “ travelled all night in order to be present at the meeting, and who intended to
 “ travel all that night in order to be present in the House of Commons. The
 “ chairman then read several letters of apology. Mr. O. C. Power, M.P., wrote
 “ that Parliamentary duties would prevent his attending the meeting.”

He concluded as follows:—

“ You may have noticed by the Parliamentary reports that I have spoken
 “ twice on the land question in the House of Commons since I attended the recent
 “ meeting at Irishtown. On each occasion I reiterated the view which I have so
 “ frequently expressed in Mayo, and neither friend nor foe can have any doubt of
 “ my warm sympathy with the tillers of the soil and my anxious desire to secure
 “ to them the undisturbed enjoyment of the fruits of their labour. I trust your

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“ meeting will be successful, and such as to produce a beneficial effect on public
 “ opinion. I know we cannot advance one inch in Parliament without it, and I
 “ am convinced that with it success would be certain and attainable in a very
 “ short time.”

The following resolution was proposed by me :—

“ That whereas all political power comes from the people and that the people
 “ of Ireland have never ceased to proclaim their right to autonomy, we hereby
 “ re-assert the right of our country to self-government.”

Now, my Lord, what purports to be a report of my speech in support of this resolution has been read by the Attorney-General. It was not a complete report, and while there is no sentiment expressed by me therein I repudiate here, I would read the whole of the speech if I had it.

(*Sir H. James.*) What speech do you mean—at Westport?

(*Mr. Davitt.*) I have not got a report of it.

(*The President.*) What were you inquiring?

(*Sir H. James.*) I ought not to speak to Mr. Davitt. I was asking him where the report of the Irishtown speeches came from, because there was no Government reporter there, and no organisation of the League.

(*The President.*) I inferred that was the reason we had not had it.

(*Mr. Davitt.*) I told your Lordships the circumstances under which the report of the Irishtown meeting was produced in Dublin at the State trials in 1881. It was taken from a local paper with a very small circulation, the “Connaught Telegraph,” the editor and proprietor of which presided at the Irishtown meeting, and that is the only paper that reported my speech. I shall get the copy of the whole of these speeches to night at my hotel, and will give it to Sir Henry James with the greatest pleasure.

Mr. Parnell also made a speech, and that was read either by the Attorney-General in his opening or published by the “Times,” and this speech of Mr. Parnell’s will be found in the opening of the Attorney-General. Mr. Parnell proposed the following resolution :—

“ That whereas the many landlords by successfully asserting in the courts
 “ of law their power to arbitrarily increase their rents, irrespective of the value
 “ of the holdings on their estates, have rendered worthless the Land Act of 1870
 “ as a means of protection to the Irish tenants, we hereby declare that not only
 “ political expediency, but justice and the vital interests of Ireland demand such
 “ a re-adjustment of the land tenure—a re-adjustment based upon the principle
 “ that the occupier of the land shall be the owner thereof—as will prevent further
 “ confiscation of the tenants’ property by unscrupulous landlords, and will secure
 “ to the people of Ireland their natural right to the soil of their country.”

Now Mr. Parnell’s speech in support of the resolution has been read, and will be found upon the minutes.

(*The Secretary.*) Page 3882.

(*Mr. Davitt.*) Mr. Matthew Harris also spoke at the Westport meeting and this is all the report of the speech which appeared in the “Freeman.”

“ Mr. Matthew Harris, of Ballinasloe, in supporting the resolution said the
 “ history of landlordism in Ireland for the last 30 years was an awful record of
 “ selfishness and criminality, and in that history there was not an uglier picture
 “ than the history of landlordism in Mayo. But the longest journey must have an
 “ end, and from the public spirit he saw manifested to-day he thought landlord
 “ domination in Mayo and Ireland were just approaching to its end. It was time
 “ for the tenantry to learn that as long as they bent the knee they would always
 “ find tyrants to trample on their necks, and until they learned this lesson all other
 “ instructions would only make them the dupes of designing men.”

Now, my Lord, the next great meeting of the movement inaugurated at Irishtown took place at the village of Milltown on the Mayo border of Galway on June 15th, 1879. The chair was occupied by a Mr. Morris, a local tenant farmer; the speeches

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have either been read or quoted from I think here in connexion with that meeting. The following are the resolutions, the first being proposed by Mr. Thomas Brennan, who became the secretary of the Land League afterwards :—

“ That as the people of Ireland have never ceased to demand the right of self-government, we hereby reiterate our resolution to labour for the same until our country has secured its attainment.”

The next, my Lord, was proposed by me :—

“ That as the land system at present inflicted on the people of Ireland is the parent of our country’s proverbial poverty, and has ever been opposed to the moral sentiments of our race, we declare its continuance to be a criminal disregard of the social well-being of our country and of the best interests of our country which imperatively demand the restoration of our national land system which recognised the cultivator of the soil as the proprietor thereof, and was opposed to all intermediate right of property between the State and himself.”

I made a speech on that occasion, and it was partly reported in the “ Freeman’s Journal,” I think, about one fifth or one sixth of what I said, and in that portion occurred the sentence which I think it right to allude to here, though I do not think it has been brought against me by the “ Times ” in this inquiry. In speaking at the meeting I was pointing out the value of organisation, and I referred to the oft-quoted statement that the intensity of Fenianism had succeeded in disestablishing the church in Ireland, and I am reported in the “ Freeman ” as having said “ that the Fenian organisation to which I had the honour of belonging.” What I really said on the occasion, if a correct report had been taken of my speech, was, “ the Fenian organisation to which I had had the honour ”—*had had* the honour of belonging, indicating what was really the fact. I was practically then out of the Fenian movement.

(*Sir H. James.*) I do not think it is a matter of objection, Mr. Davitt stating these things. Your Lordship will recollect that we have had no evidence there was a meeting at Milltown.

(*Mr. Davitt.*) It would have been more to my interest to have said nothing. I think I am called upon here to admit anything that tells against myself, it is only right and proper I should do so. There is nothing at all to be said in this movement I am at all desirous of going back upon here. It is my point. Sir Henry James need not trouble about that, but I said what I said on that occasion, it was only right and proper I should bring it against myself. Well, Mr. David Flannery, a tenant farmer of the district, proposed the third and last resolution :—

“ That in view of the widespread destitution with which the tenant farmers of Ireland are visited consequent upon the various adverse influences in operation against them, we call upon the press and the country to pronounce against any increase of rents by landlords as the reduced value of farm produce and succession of bad seasons made it impossible for tenants to pay without entailing ruin upon their families and homesteads.”

(*Sir H. James.*) Names are mentioned at 2848.

(*Mr. Davitt.*) The next and last of the important meetings held previous to the foundation of the Land League in Mayo, to which I will specifically refer, was held in Claremorris the 12th of July mentioned incidentally but not proved, my Lord, in the “ Times ” case.

(*The President.*) What day in July?

(*Mr. Davitt.*) The 12th of July 1879. These were the four great meetings of the Mayo agitation to which public attention was drawn, and whose proceedings, except in the instance of Irishtown, were fully reported in the “ Dublin Press.” In the reports of those meetings there is no allusion whatever to speeches by Scrab Nally or P. J. Gordon.

(*Mr. Justice Smith.*) I think the speeches of Mr. Gordon and Mr. Nally, are reported at Milltown.

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(*Mr. Davitt.*) Possibly, but it may have been a subsequent meeting, my Lord. Probably, as your Lordship is usually accurate in these matters, by as far as I can remember neither Scrab Nally or Gordon spoke there, but, anyhow, what I say here is the speeches, if they made speeches, were not made at that meeting.

(*Mr. Justice Smith.*) He spoke to the resolution, page 341.

(*Sir H. James.*) I think Mr. Gordon spoke at Miltown on Sunday, the 25th of July 1880.

(*Mr. Davitt.*) I am speaking of 1879.

(*Mr. Justice Smith.*) I see I am wrong.

(*Mr. Davitt.*) I think it was a subsequent meeting, a similar meeting had before been held in other parts of Mayo, and it is at such meetings, in my judgment, where these men made the speeches which the Attorney-General read or referred to during the examination of some of his witnesses. The Claremorris meeting was the first of the series presided over by a priest, at the three subsequent meetings a tenant farmer, or some one intimately connected with the land, occupied the chair. The Very Rev. the late Canon Burke, of Claremorris, took the chair, and among other equally eloquent things spoke as follows:—

“ Perform not a single act, utter not a word that could give an opportunity to
“ your enemies and the enemies of your race, to say that you are unworthy of the
“ rights of freemen, unworthy of those land rights which the tillers of the soil
“ throughout Europe enjoy. There are two extremes which the Irish people
“ should avoid, a settled supineness in asserting their rights. Against this state
“ of passive prostration our national poet, Thomas Moore, cries aloud when he
“ says,—

“ ‘ Where’s the slave so lowly,
“ ‘ Condemned to chains unholy,
“ ‘ Who could he burst
“ ‘ His chains at first,
“ ‘ Would pine beneath them slowly.’

“ The second is the senseless challenging, on the part of one or two of the whole
“ British Government, and the power which it wields. The explosive folly of a
“ few untrained or unthinking men tend to injure very much a good cause. The
“ fact that you have assembled in your thousands here to-day proves that you
“ are not one of those slaves so lowly, who, when they can burst their bonds,
“ would pine beneath them slowly. And I trust that there is not one amongst
“ us—one so devoid of reason—as to utter threats, or to hurl defiance, which can
“ tend to no good purpose, against either landed proprietors or against the Govern-
“ ment of the country. As dutiful Catholics you must be obedient to the laws;
“ for social order rests on law; and in wishing to enjoy liberty yourselves, you
“ ought not to indulge in license when dealing with others. But I have no fears
“ on that head.”

Mr. J. J. Loudon, my Lords, again spoke at this meeting, and I will just read an extract from his speech, because I think on that occasion, as on previous occasions, he gave very accurate expression to the sentiments of those who attended those meetings and organised them. He proposed a resolution.

(*The President.*) Have you got the speech?

(*Mr. Davitt.*) No, I have not got the speech, my Lord; I have only got the resolution. I think I had the speech.

(*Sir H. James.*) Of whom?

(*Mr. Davitt.*) Of Mr. Loudon, at Claremorris. The resolution is:—

“ Whereas a natural and healthy growth cannot exist without settledness and
“ permanency, and whereas man’s energies and consequent industry cannot be deve-
“ loped without an exciting cause, namely, a fair hope of reward, or of lucrative
“ results, and whereas in every country the lands and their cultivation are the basis
“ of all absolute wealth, be it resolved that in the present state of non-fixity of
“ tenure, and the consequent dread of capricious eviction hanging over the heads
“ of the Irish tenant farmers, lies the baneful cause of non-developed energy and
“ industry, leaving the Irish soil, that rich mine of national wealth, only half

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“ worked, at least in extent, if not in its producing power, as is seen by the
 “ amount of waste lands and diminished acreage cultivated in Ireland, conse-
 “ quently not furnishing anything like ample means to the tenant farmers to
 “ grow in comfort or in wealth, but, on the contrary, forcing an entire people,
 “ who ought to be as rich and as comfortable as the Belgian or French peasants,
 “ to advance in the road of personal poverty and national bankruptcy; that to
 “ remedy such crying evils fixity of tenure at fair rents, eschewing all fear of
 “ eviction, must be the farmers’ battle cry, awaiting a final settlement on the
 “ basis of a peasant proprietary.”

Now, my Lords, these comprise what has been called the four great meetings of the Mayo agitation of 1879. They were held prior to the formation of any organised body either in Mayo or in Dublin, with the name of the Land League. Excepting his presence and speech at the Westport meeting Mr. Parnell had taken no part in the movement which began at Irishtown. I think it was when travelling with him to Westport we first discussed the idea of an agrarian organisation. I may possibly have spoken to Mr. Parnell earlier than this on the subject, but I have no recollection of the fact, as I think I said in the witness box. On the occasion of the Westport meeting there was no evidence, except the previous Irishtown meeting, that an agitation of any great volume had begun. We were more occupied on this occasion with the evidences of approaching distress among the western tenantry than with the subject or organisation; but I remember urging combination of some kind as a necessary protection against the landlords of Mayo, of whose career, as I told your Lordships this morning, I had some knowledge and experience. After, however, the series of meetings which had followed Westport, and the references which had been made in Parliament to the agitation, notably following the Milltown meeting in July 1879, the then Chief Secretary, Mr. James Lowther, made some disparaging references to those who attended at that meeting, singling out myself as one of these parties, and calling me a man at large on ticket-of-leave. That was the first reference, I think, made to the agitation of Mayo in the House of Commons. I remember distinctly the objections Mr. Parnell urged, and these have been accurately stated by him in his evidence. Acting entirely upon my own responsibility, and without any consent given or implied by Mr. Parnell, I called a convention of representative tenant farmers, and men who had participated in the agitation so far, to assemble in Castlebar, Mayo, on the 16th of August 1879. I have put in all the documents referring to this convention. The proceedings were reported in the Dublin “Freeman’s Journal,” and consequently the report is within reach of the counsel for the other side. I think it well, my Lord, to read the report of this convention, as it was practically the beginning of the organisation which became known as the National Land League of Mayo. I believe the declaration of principles read by me on the occasion was read here either during my evidence or during somebody else’s testimony, and will be found somewhere on the minutes. But though I may trespass upon your Lordship’s patience by reading them again, I will ask permission to do so. This is from the “Freeman’s Journal” of August 18th, 1879:—

“ LAND LEAGUE CONVENTION AT CASTLEBAR.

“ A meeting in connexion with the land agitation in Mayo, the first conven-
 “ tion of tenant farmers held in Ireland since the repeal of the Convention Act,
 “ took place at Castlebar, Saturday, August 16th, at Daly’s Hotel, and was
 “ attended by representative delegates from all parts of the country. On the
 “ motion of Mr. James Daly, Castlebar, seconded by Mr. William Judge, Clare-
 “ morris, the chair was taken by Mr. Jas. J. Loudon, B.L., Westport.

* * * * *

“ DECLARATION OF PRINCIPLES.

“ Michael Davitt then read the following document, embodying the declaration
 “ of principles and rules of the proposed association:—

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“ Declaration of Principles:—The land of Ireland belongs to the people of Ireland, to be held and cultivated for the sustenance of those whom God decreed to be the inhabitants thereof. Land being created to supply mankind with the necessities of existence, those who cultivate it to that end have a higher claim to its absolute possession than those who make it an article of barter, to be used or disposed of for purposes of profit or pleasure. The end for which the land of a country is created requires an equitable distribution of the same among the people who are to live upon the fruits of their labour in its cultivation. Any restriction therefore upon such a distribution by a feudal land system, embodying the laws of primogeniture and entail, the amassing of large estates, the claiming of proprietorship under penal obligations from occupiers, and preventing the same from developing the full resources of the land, must necessarily be opposed to the divine purpose for which it was created, and to the social rights, security, and happiness of the people.

“ Before the Conquest the Irish people knew nothing of absolute property in land; the land virtually belonging to the entire sept. The chief was little more than the managing member of the association. The feudal idea which views all rights as emanating from a head landlord came in with the Conquest, was associated with foreign dominion, and has never to this day been recognised by the moral sentiments of the people. Originally the offspring, not of industry but of spoliation, the right has not been allowed to purify itself by protracted possession, but has passed from the original spoliators to others by a series of fresh spoliations, so as to be always connected with the latest and most odious oppression of foreign invaders, in the moral feelings of the Irish people. ‘The right to hold the land goes as it did in the beginning with the right to till it.’ Those were the words of John Stuart Mill, the English political economist.”

I had quoted that from Mill. Then I go on:—

“ The landlord system, which an alien Government has imposed upon our country in the place of that which recognised no intermediate ownership between the cultivator of the soil and the State, has reduced Ireland to a degree of poverty and social misery incompatible with the natural productiveness of this land and the progressive prosperity of other civilised nations. The area of Ireland, and the natural wealth of its soil, is capable of supporting from twelve to twenty millions of inhabitants, if restrictive land laws did not operate against the full development of the country’s resources, and the unfettered cultivation of the land. Yet a population of 8,000,000, previous to the year 1847, was reduced by death, starvation, and exile, consequent upon an artificial famine and continued impoverishment, to little over 5,000,000 at the present day.

“ Decreased population with its concomitant absorption of small holdings into large estates has produced no beneficial change in the condition of the existing farming classes, who are compelled by the coercion of necessity, in the absence of manufacturing industry, to an acceptance of a non-alternative bargain in the shape of exorbitant rent in order to obtain the use of the soil. The dread of eviction or rack-renting must necessarily operate against that expenditure of labour and enterprise in the cultivation of the land and improvement of farm dwellings and premises which follow in every country where the fruits of the people’s industry are protected by the State. Hence the soil of Ireland is worse and less cultivated, and the livings and habitations of its agricultural class more wretched, than in any country in the civilised world.

“ Over 6,000,000 acres of Irish land are owned by less than 300 individuals, 12 of whom are in possession of 1,297,888 acres between them, while 5,000,000 of the Irish people own not a solitary acre. For the protection of the proprietary rights of the few thousand landlords in the country, a standing army of semi-military police is maintained, which the landless millions have to support, while the conduct of the landocracy, in the exercise of its legal privileges, occasions almost all the evils under which our people suffer. Thus the right of the soil cultivators, their security from arbitrary disturbances and incentives

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“ to social advancement, together with the general well-being, peace, and prosperity of the people at large, are sacrificed for the benefit of a class insignificant in numbers and of least account in all that goes towards the maintenance of a country, but which, by the aid of existing land laws, extracts some fifteen million pounds annually from the soil of Ireland, without conferring any single benefit in return on the same or the people by whose industry it is produced. If the land in possession of, say, 744 landlords in this country was divided into twenty-acre farms, it would support in ease and comparative independence over two and a half millions of our people. To substitute for such an unjust and anomalous system as the present land code, one that would show an equal protection and solicitude for the social rights and well-being of the labouring millions as that shown for those of the wealthy but non-operative few, is the principle which enlightened statesmanship aims at following in modern times, in order to meet the growing necessities of that popular intelligence and awakening civilisation which demands the sweeping away of those feudal laws opposed to the social progress and ideas of the age. Sacrificing the interests of the few to the welfare of the many by the abolition of feudal land codes has laid the foundation of solid governments, and secured the content of peoples in most European countries. The interests of the landlords are pecuniary and can be compensated, but the interests of the people of Ireland, dependent upon the produce of the soil, is their very existence. In denouncing existing land laws and demanding in their places such a system as will recognise and establish the cultivator of the soil as its proprietor, we desire that compensation be given the landlords for the loss of their interests when the State for the peace, benefit, and happiness of the people shall decree the abolition of the present system. . . .

“ We appeal to the farmers of Ireland to be up and doing at once, and organise themselves in order that their full strength may be put forth in behalf of themselves and their country in efforts to obtain what has brought security and comparative plenty to the farming classes of Continental countries. Without an evidence of earnestness and practical determination being shown now by the farmers of Ireland and their friends in a demand for a small proprietary, which alone can fully satisfy the Irish people or finally settle the great land question of the country, the tribunal of public opinion will neither recognise the urgent necessity for such a change, nor lend its influence in ameliorating the condition or redressing the social and political wrongs of which we complain.

“ Let us remember, in the words of one of Ireland's greatest sons, ‘ That the land is the fount whence we all ultimately draw, and if the terms on which the land is cultivated be unfair, if the agricultural system of the country be unsound, then the entire structure is rotten, and will inevitably come down. Let us never forget that mere appeals to the public to encourage native industry in other departments must be utterly futile as long as the great and paramount native industry of the farmer is neglected. In vain shall we try to rouse the national spirit of the very men who make a nation sink into paupers before our faces. Paupers have no country, no rights, no duties, and in short, if we permit the small farmers to be reduced to pauperism, if we see them compelled to give up their lands and throw themselves on public relief, there is an end of Ireland.’ ”

That is a quotation, my Lord, from a very eminent Irish writer, Mr. John Mitchel.

Then, my Lord, I deal with the rules, which, after all, are the chief matters for your Lordship's consideration, as there is no doubt that, although these rules and regulations were not even discussed at the foundation of the Land League of Ireland in Dublin in the following October, the suggestions put forth by me on this occasion formed the basis of the rules and regulations of branches of the Land League throughout Ireland subsequently.

“ RULES AND OBJECTS.

“ This body shall be known as the National Land League of Mayo, and shall consist of farmers and others who will agree to labour for the objects here set

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“ forth, and subscribe to the conditions of membership, principles, and rules specified below.

“ Objects : The objects for which this body is organised are :—

“ 1. To watch over the interests of the people it represents, and protect the same, as far as may be in its power to do so, from an unjust or capricious exercise of power or privilege on the part of landlords or any other class in the community.

“ 2. To resort to every means compatible with justice, morality, and right reason which shall not clash defiantly with the Constitution upheld by the powers of the British Empire in this country for the abolition of the present land laws of Ireland, and the substitution in their place of such a system as shall be in accord with the social rights and interests of our people, the traditions and moral sentiments of our race, and which the contentment and prosperity of our country imperiously demand,”

(*The Attorney-General.*) What are you reading from ?

(*Mr. Davitt.*) From the “Freeman’s Journal” of August 18th, 1879.

“ 3. Pending a final and satisfactory settlement of the land question, the duty of this body will be to expose the injustice, wrong, or injury which may be inflicted upon any farmer in Mayo, either by rack-renting, eviction, or other arbitrary exercise of power which the existing laws enable the landlords to exercise over their tenantry, by giving all such arbitrary acts the widest publicity and meeting their perpetration with all the opposition which the laws for the preservation of the peace will permit of. In furtherance of which the following plan will be adopted :—Returns to be obtained, printed, and circulated of the number of landlords in this country, the amount of acreage in possession of same, and the means by which such lands were obtained, the farms held by each, with the conditions under which they are held by their tenants, and the excess of rent paid by same over the Government valuation. To publish by placard or otherwise notice of contemplated evictions for non-payment of exorbitant rent or other unjust cause, and the convening of public meetings, if necessary or expedient, as near the scene of such evictions as circumstances will allow, and on the day fixed upon for the same. The publication of a list of evictions carried out, together with cases of rack-renting, giving full particulars of same, name of landlord, agents, &c. concerned, and the number of people evicted by such acts. The publication of the names of all persons who shall rent or occupy land or farms from which others have been dispossessed for non-payment of exorbitant rents, or who shall offer a higher rent for land or farms than that paid by the previous occupier.

“ 4. This body to undertake the defence of such of its members or others of local clubs affiliated with it who may be required to resist by law actions of landlords or their agents who may purpose doing them the injury, wrong, or injustice in connexion with their land or farms.

“ 5. To render assistance when possible to such farmer members as may be evicted or otherwise wronged by the landlords or their agents.

“ 6. To undertake the organising of local clubs or defence associations in the baronies, towns, and parishes of this county, the holding of public meetings and demonstrations on the land question, and the printing of pamphlets on that and other subjects for the information of the farming classes.

“ 7. Finally, to act as a vigilance committee in Mayo, noting the conduct of its grand jury, poor law guardians, town commissioners, and members of Parliament, and pronouncing on the manner in which their respective functions are performed whenever the interests, social or political, of the people represented by this club, renders it expedient to do so.

“ Conditions of Membership.—*First*, to be a member of any local club or defence association in the county, and to be selected by such club or association to represent the same on the central or county association.

(*The President.*) I forget whether there is much more of this. Do you think this is necessary ?

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(Mr. Davitt.) No; there are only a few more words, then I have done with it.

(Sir H. James.) It is all on the note.

(The President.) I am aware.

(Mr. Davitt.) I have got nearly to the end of it.

(The President.) I thought from my knowledge of it already that you had come to all that was important.

(Mr. Davitt.) I was not sure that all of it was on the note. I thought perhaps at this stage of my observations it might be pertinent to state everything I had to state in reference to the Land League Convention of Mayo.

I contend, my Lords, that there is nothing in these principles, rules, or suggestions that was contrary to the law as it then stood in Ireland. I admit that the suggestions to publish the names of parties who should take farms out of which others had been evicted for non-payment of exorbitant rent may possibly have given rise to the subsequent boycotting which has formed so large a part of this inquiry. I accept all responsibility for having laid down that rule at this Convention and for having since advocated boycotting short of personal injury being any part of it. But I wish to draw your Lordship's attention to this one fact, as it is of importance to Mr. Parnell's interests in this case. The principles, rules, and suggestions which form the programme of the Land League in Mayo had no place whatever in the Land League programme of Ireland, which was drawn up on the 22nd of the following October in Dublin in response to a circular issued by Mr. Parnell, which has been put in as evidence. I think it is only right to Mr. Parnell that he should be dissociated in this way from all connexion with this Land League Convention of Castlebar, and with the sentiments I expressed there, the principles which were enunciated in the document which I have just read.

The National Land League of Mayo had only two months of independent existence, as it became absorbed in the Land League of Ireland when this body was organised in the October following. I am not aware of its having done anything except to organise public meetings pending the formation of the greater body.

In connexion with this Castlebar Convention there is the report of it in the press, a statement which has given rise to considerable discussion over the status of Mr. P. W. Nally, brother of J. W., or "Scrab," Nally. It has been asserted by the Attorney-General that P. W. Nally was a prominent member of the Mayo Land League. There was, at least in this instance, grounds for the learned Attorney-General's statement; but the counter statement by the defence that P. W. Nally was not a member of the Land League at all is perfectly true. The explanation, my Lords, is this: At the Castlebar Convention P. W. Nally was proposed as one of the honorary secretaries of the Mayo Land League. I believe it was I who proposed him. I am not certain, but I think it was. The name associated with the position was included in the report of the proceedings, and hence the ground for the statement made by counsel for the "Times." But Mr. Nally declined to accept of that or any position whatever, either in the Land League of Mayo or of Ireland (and this has been sworn on oath by the president of the Land League of Mayo, Mr. J. J. Louden, who knew Mr. P. W. Nally intimately), and, in point of fact, he was never even a member of any branch of either body, either in Mayo or in Dublin.

Now, with reference to Mr. P. W. Nally, I think it only common justice to him to place on record my belief in his entire innocence of the crime for which he was convicted on the testimony of the informer, Coleman, who, if my information is accurate, and I believe it to be so, was himself the Alpha and the Omega of the Crossmolina conspiracy case. Nally was known all over Mayo as a young man of the most unblemished character, known to the landlords and officers of the police, in fact, to all the people of that county, as he was a noted athlete, and upright, straightforward, and honourable in all the relations of life, a man whose personal reputation and respectable position and parentage would preclude the suspicion that he could stoop to a conspiracy of murder or any dishonourable crime. But Mr. Nally was no believer in the efficiency of moral force alone as a means of winning Irish liberty. He never disguised his opinions. He was a physical force man. He did not believe in the efficiency of constitutional agitation; like many more young men in Ireland both at that time and before, he was under the impression that the only way to regenerate Ireland was by the sword.

Now, my Lords, I leave the National Land League of Mayo and come to the National Land League of Ireland. It was about a month following the Castlebar

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Convention I discussed with Mr. Parnell at his home at Avondale, as I think I have told your Lordships in my evidence, the idea of forming a Land League for Ireland. At this time Mr. Parnell had not, as far as I know, any knowledge of my connexion with the I.R.B. in Ireland. The knowledge of Fenian aversion to connexion with parliamentary or constitutional movements must have been present to Mr. Parnell's mind, as it was to everyone in Ireland who knew anything of the history of the Fenian body; and I am confident that Mr. Parnell believed me to be proposing a *bonâ fide* open and constitutional organisation, or he would have taken no part whatever in such a step. Such, I affirm, was the character of my proposition. The circular which assembled the Conference of the 22nd October, the programme which was proposed and adopted at that Conference, the address to the Irish race which was issued in the name of the executive committee, and the rules which were afterwards drawn up, have been read and put in as evidence. These documents form the charter of the League. They are contemporary documents and speak for themselves as to what were the objects of the League and by what means those objects were to be attained. And, my Lords, the fact that these documents have already been read and put in as evidence during Mr. Parnell's examination renders it unnecessary, so far as your Lordships' memories are concerned, for me to read them now; and I will not, therefore, inflict them again upon the Court, as I am anxious to save your Lordships as much of that kind of thing as possible.

The "Times" would have the Land League judged by the testimony of garbled extracts from a certain number, a comparatively infinitesimal number of speeches, some, I admit, not wise, others made up of nothing but froth and foolishness, while a few were the mere outpourings of witless *omadthawns*, and were on record only in that phonetic museum known as the Royal Irish Constabulary's reporter's note book, until this inquiry gave them a world-wide publicity. When all the speeches quoted from or referred to in this Court are taken into account; the good, the bad, and the indifferent, they will not amount to the 400th part of the speeches actually delivered in Ireland from the Irishtown meeting in 1879 to 1887. To judge of the League, therefore, as the "Times" would wish this Court and the public to do, from not even this fractional part of the League speeches, but from disconnected fractions of this fractional part is in keeping with the morals of the "Times," but not, I venture to say, with the requirements of justice or fair play.

What the League really was, what it proposed to do, the means which it recommended and employed to achieve its clearly defined and, are the questions which a just decision upon its character and objects will have to consider, and not the utterances of "Scrab" Nally or their companion subjects in the Royal Irish Constabulary Phonetic Museum.

The British Constitution, in its written or applied sense, is not surely to be praised or condemned for what one or twenty or a hundred orators may say from one end of the year to the other, though there be a mixture of wisdom, stupidity, and folly in their eloquence. I am therefore desirous that the Land League as it was, and as it spoke, and as it acted, nine or ten years ago, shall now speak for itself in its then voice as preserved in its official charters and documents, and may be thus heard by this tribunal, and by the world before which it has been unscrupulously misrepresented and maligned by the "Times."

The Land League was founded at a public meeting, called by circular on the 21st October 1879, in the Imperial Hotel, Dublin. The report of the proceedings was only partially quoted from in the evidence for the defence. The platform programme or constitution drawn up and agreed to on the occasion has been read and put in; but the letters which were read when the programme was agreed to have not, I think, been more than referred to. I will not trouble your Lordships with the whole report. I had intended to read the whole report, but I will not, especially as the important documents are already found upon the evidence. I will content myself with reading the circular which Mr. Parnell issued calling the Conference. Then I will leave the other documents to speak for themselves on the evidence.

"DEAR SIR,

"Avondale, Rathdrum, September 29, 1879.

"SOME friends have urged upon me the strong desirability of forming a committee for the purpose of appealing to our countrymen abroad, and more especially in America, for assistance in forwarding the new land

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[Continued.]

“ agitation in favour of the ownership of the soil by the occupier, and also for
 “ the purpose of upholding the tenants during this terrible crisis by the promo-
 “ tion of organisation.

“ I enclose you a copy of the appeal that we have drawn up, and trust that
 “ you will permit yourself to be added to the Committee and allow your name to
 “ be appended to the appeal.

“ I am, dear Sir,

“ Yours very truly,

“ CHARLES S. PARNELL.”

Then, my Lord, the report of the Conference or meeting which resulted from this circular appeared in the “Freeman’s Journal” of the 22nd of October 1879, and I will confiscate it because it is already on the notes. The appeal to the Irish race to which reference is made in Mr. Parnell’s circular, and which was signed by those who attended the Imperial Hotel Conference and by others whose names could be read, has been put in as evidence during the examination of Mr. Parnell, and will be found at the proper place in the evidence. I think it was also read by Sir Charles Russell in his opening speech. Now that appeal has been read and probably has been studied by your Lordships, and I ask where in this appeal is any, the slightest evidence found of any ulterior purpose any proof that the real object of the League, as alleged by the “Times,” was to effect complete separation from England by criminal means? My Lord, there is no such evidence either in the programme agreed to on that occasion, in the letters written to that Conference, in the address to the Irish race, or in anything spoken or written in connexion with this, the initiation of the Land League of Ireland. If all this was a conspiracy, as the “Times” says it was, surely never was there in any country under the sun more blind or more stupid men than those whose names are found associated with the very foundation of this body.

Well, on my notes I find, my Lords, that I intended reading the rules and regulations of the Land League, but as they are already on the evidence I shall not inflict them again upon the Court.

(*The President.*) Not only are they on the evidence, but they have been carefully studied.

(*Mr. Davitt.*) Yes, my Lord. I may remark that Rules 9, 10, and 11 do undoubtedly exclude persons from membership who act in a manner deemed to be injurious to the interests of the mass of the people; while Rule 10 specifically expels from membership of the branch such members as violate the preceding rule—that is, taking farms out of which others have been evicted and paying behind neighbours’ backs exorbitant rents, and all that sort of thing. But, my Lord, similar rules are in force in almost every association in every civilised country, whether it be a political or social body. Certain qualifications are insisted upon for membership without which an applicant cannot be received; while clearly defined conditions are imposed upon all who are enrolled in the club or association, be it friendly, political, or social.

These Land League rules were, therefore, in no way exceptional, and could not be oppressive or injurious to the community unless pressure of an illegal nature were employed in their enforcement; and no evidence whatever has been sustained before your Lordships showing that the persons here charged employed or advocated the employment of such pressure to induce people to join the Land League.

To deny to the Land League the right of saying upon what conditions people should join its body, or to argue that expulsion from its ranks was an injury to the member expelled, would be denying the right of association, and would be a wrong against the liberty of the subject in Ireland.

Well, there was another address issued by the Land League, I think to the tenant farmers of Ireland, and that was read and will be found upon the minutes, and I shall not repeat it again here.

(*The President.*) There is one of those articles to which I should be glad to call your attention, that is the proposal to defend members. I have not got the exact words before me, but it was both in your Declaration of Principles and also in one of the documents issued by the Land League upon its formation, I do not know under what title.

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[Continued.]

(*Mr. Davitt.*) It was certainly laid down in the principles I enunciated at Castlebar.

(*The President.*) And in the other you will find.

(*Mr. Davitt.*) In the rules of the Land League?

(*The President.*) Yes.

(*Mr. Davitt.*) I am sure if your Lordship say so it must be there, but the intention was to defend members of the Land League in actions at law against landlords or against others who invaded their rights. I will make some comments upon that work of the Land League by-and-by.

(*The President.*) Very well. I think that calls for observation.

(*Mr. Davitt.*) Yes, certainly. When I come by-and-by to deal specifically with the indictment against myself and others I will deal with that; but I say now, in answer to your Lordship's kind question and reminder, that in the principles which I laid down in Mayo at the Mayo Land League, it is clearly mentioned that the members of the Land League were to be defended at law against unjust or unreasonable action on the part of their landlords or agents. That is all the reference made to it in the Castlebar document. Whether there is a more definite statement in the rules of the Land League I cannot say. I pass by that point. I intended reading the rules, but in deference to your Lordship's wish I will not do so now.

(*The President.*) You will return to it?

(*Mr. Davitt.*) Yes. These documents, together with a manifesto to the people of Ulster, which I do not think necessary to read now, but which will be found at pages 2694-5 of the Evidence, are the charters of the Land League. Upon the meaning and obvious purpose of those documents I am willing to rest the fate of the Land League in any legal or constitutional inquisition into its character. The objects are defined in no equivocal manner. The justification for the movement of the League is abundantly demonstrated, while the means of reaching the objects set forth are clearly and comprehensively outlined. And, my Lords, am I not amply justified in once more commenting upon the significant fact of the "Times" never once referring to these documents in its "Parnellism and Crime" libels, or by the mouths of its numerous able counsel in the whole course of this investigation? Consider the contrast between this line of conduct and that pursued with reference to the documents they have put in to prove the constitution of the I.R.B. and of the U.B. Any number of these so-called secret circulars of the spy Beach defining the cipher of the American conspiracy were put in. We had the constitution of the I.R.B. put in, but the learned Attorney-General did not attempt to put in the constitution of the Land League.

(*Sir H. James.*) Oh, yes, I beg your pardon. It was taken in Sir Charles Russell's speech that the rules were in.

(*Mr. Davitt.*) Very well, I apologise to the Attorney-General for making that mistake.

(*Sir H. James.*) They were put in by the Attorney-General.

(*Mr. Davitt.*) Then I withdraw what I said. I do not think I was in Court when that was done. My impression was that all the official documents of the Land League had been shirked by the other side.

(*The Attorney-General.*) No, you are in error.

(*Mr. Davitt.*) Very well.

Then by way of a passing reply to the ridiculous assertion of our accusers that the Land League, the I.R.B., and the U.B. were one and the same conspiracy, why, may I ask, did the "Times" not try to show an identity of objects and of means to an end between the constitution of the Land League, the constitution of the I.R.B., and the constitution of the U.B.? My Lords, at this period of time, that is, the dates of the publication of the Land League constitution, rules, and addresses, the partial famine of the winter of 1879-80 was manifesting itself plainly in Ireland, and Messrs. Parnell and Dillon were on their way to America for the double purpose of raising funds for the League, and appealing to American and Irish-American sympathy to aid a people threatened with starvation. Evidence has been given by nearly all the witnesses for the defence as to the extent of the distress and the dangers which loomed ahead for the peasantry of the poorest districts. The "Times" has endeavoured in more ways than one to minimise the extent to which the distress prevailed for the purpose obviously of proving that the intensity of destitution or the fears arising from a probable famine were not such as would lend any justification to a movement such as the Land League.

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[Continued.]

In this the "Times" has been singularly unfortunate, as I have shown by one of its own publications issued at this very time that it recognised the prevalence of exceptional distress. I quoted from the preface of the "Times" red book this morning what was said in 1880 with reference to the distress in Ireland. Well, I do not intend to refer to that again. What I say, my Lord, is that the wretched peasants of Mayo, Galway, Clare, and Kerry, and West Cork are the class that expected to suffer more from the distress in 1879 than any other class in Ireland, and that they had nothing to hope from either the sense of duty or justice of the landlords, or from the action of the Government, if they remembered, as distinctly as I did, the action of the Government and the landlords in the time of the great famine of 1846 and 1847.

Now, my Lords, as to the distress of 1879, I contend that it was the Land League which first raised the cry of alarm, and warned the country of what was impending. This has, I think, been proved in evidence. Anyhow no one who is conversant with the facts will deny my assertion. When the cry of alarm was first voiced in Mayo, and when the Irish Members drew the attention of the Government to the statements that had been made by many men who were not engaged in the agitation, the Chief Secretary for Ireland treated the matter very lightly, in fact, it was broadly stated by him that there was no real distress, and there was no cause for alarm. On the 17th September the "Times" wrote:—"There is the best reason for believing that the losses of the Irish farmer have been trifling compared with those of the English farmer. Food has been and is everywhere cheap and plentiful." Rather a remarkable statement for a paper to make in 1879 that admitted subsequently in its publication of 1880 the existence of exceptional distress, and the abused agitators were proved to be the real prophets on that occasion. They raised the first cry of alarm, and it was due to their persistent statement of facts about the condition of the people that action was taken by the charitable public, and subsequently that many relief committees were organised, and that ultimately sufficient relief was got from the generous people of America, and England, and Scotland, and Ireland, which prevented on any considerable scale the scenes or the horrors of the great famine of 1846 and 1847.

Well, I had intended, my Lord, to quote in support of our contentions, the contention of the Land League, as to the existence of distress, reports by the Duchess of Marlborough's Committee, and the Mansion House Committee, but they have already been referred to, and I will pass them by.

The Land League, though started for the purpose of effecting the abolition of landlordism, undertook the task of distributing relief to impoverished districts so early as December 1879. The proceeds of Mr. Parnell's first meeting in New York (500*l.*) were cabled across for immediate application, and within five days from the payment of this money at the doors of Madison Square Gardens, in New York, it was distributed by me in sums of 25*l.* over 20 of the poorest districts in Mayo and in Galway. That was one of the acts of the Land League for which, I suppose, the "Times" will not give it any credit. The report of the executive of the Land League, accounting for the distribution of 33,997*l.* 13*s.* 7*d.* of the relief funds from December 1879 to April 1880, has been referred to. I do not know whether it has been brought under your Lordships' notice or not.

(*The President.*) In what way brought under our notice.

(*Mr. Davitt.*) I do not know whether this book has been put in or not. I merely intended to quote from the introductory observations to show your Lordships that the Land League was concerned as a relief committee as much as any of the other committees in relieving distress.

(*The President.*) I do not anticipate that anything will be said to the contrary.

(*Mr. Davitt.*) Very well, my Lord, then I will pass it by.

Well, anyhow, my Lord, there is on record there, and in the public press, an account of work done by the Land League in the few first months of its existence, work of charity, and of relief of destitution and distress. I think that, inasmuch as the Land League has been held up to the odium of this Court, and to the public opinion of Great Britain, it is only right that I should be allowed to make these few observations about its relief operations in 1879 and 1880.

With reference to the extent of the distress and the amount of destitution which prevailed, I do not propose to read from any of the reports or other documents available for that purpose. What I have already quoted in general terms, and what

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[Continued.]

Sir Charles Russell has brought before your Lordships in considerable detail on this head, and which will be found from pages 3666 to 3678 will be sufficient to convince your Lordships of the depth and intensity of the destitution which prevailed for a time, and which if it had not been in part alleviated, through the work of the various relief committees, would have led either to appalling destitution or to a widespread and desperate struggle on the part of near a million of people to avert starvation.

Meantime, the landlords true to their traditions and the character in which they have been depicted by the "Times" in its republished articles of 1880, were successful in their efforts to get a relief bill passed for themselves. Of course, it was asked from a landlord government on the pretence that the money was to be employed in providing labour of a remunerative character for their famishing tenants. Just as in 1847 the money was appropriated for their own benefit all but exclusively. The sum voted by Parliament was 1,100,000*l.* It came out of an Irish fund, the Church surplus fund. It was loaned without any interest for two years, and at the rate of 2 per cent. afterwards. What portion of Ireland, what number of tenants were ever relieved out of this money, no historian has yet been able to tell. But it is on record that numbers of landlords paid wages out of this State money for the improvement of their own properties and then charged the tenants so paid 5 per cent. in perpetuity for what cost themselves nothing for a period of two years, and only 2 per cent. afterwards.

During the years 1879, 1880, the landlords of Ireland were showering their ejectment processes over every part of Ireland, just as if there were no distress whatever existing among the people. No note was taken by them of the extraordinary fall in agricultural prices which I have particularised to your Lordships, or which I would have particularised from the reports had I read them. Distress or no distress, let the price of cereals or cattle be what it may the Irish landlord was bound to have his pound of flesh. If starvations ensued, that was the concern of the outside charitable world which had so often come to the rescue of a famine-stricken country. The landlord's concern was his rent, plus what he could make in addition out of the funds subscribed to keep his tenants alive and out of Parliamentary grants. All he was prepared to do was to assure the Government and the English people of his undoubted loyalty and unblemished honour, together with his readiness to uphold law and order with the aid of the army and R.I.C. backed by a Coercion Act, for which he loudly clamoured in letters to the "Times."

The following are the numbers of ejectment processes entered at quarter sessions in Ireland during the years 1879 and 1880, and I hope your Lordship will not tire while I am giving these figures, because part of my argument is that first the social condition which existed in Ireland, the pending famine of 1879, and afterwards the serving of processes of ejectment and evictions were the real cause of the agrarian outrages which followed, and which are sought to be put down to the account of the Land League, to myself and others. What I am about to read has not, I think, been put in in the form in which I have prepared it. It will not take me above five minutes, and it is a list prepared from returns furnished in 1881 by clerks of the peace for the trial of the Queen *v.* Parnell in Ireland, and it shows the number of ejectments entered at quarter sessions for each county in Ireland from the year 1848 down to 1880, but, of course, I only deal with 1879.

(*The Attorney-General.*) May I ask where you get the document from, Mr. Davitt.

(*Mr. Davitt.*) I have not a double copy.

(*The Attorney-General.*) I only ask to see whether it is evidence, that is all.

(*Mr. Davitt.*) Certainly I will get you a copy of it.

(*The President.*) I understand Mr. Davitt to say that this is a re-casting of the same figures that are given in the document which was put in at page 4053.

(*The Attorney-General.*) If that be so, of course I have no objection at all, I do not think so.

(*The President.*) I was alluding to Mr. Davitt's expression that he did not think it had been given in evidence in the same form.

(*Mr. Davitt.*) No, it has been either referred to or put in.

(*The President.*) I do not think it has been put in from the source you have referred to. We have not heard of any of the evidence which was prepared for the State trials. You say you have it in returns, prepared by the clerks of the peace for the purposes of that trial.

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[Continued.]

(Mr. Davitt.) Yes.

(The President.) I say that we have not had it from that shape or source.

(Mr. Davitt.) I do not know from what source it has been already given in. Of course if the Attorney-General objects I will not go on with this.

(The Attorney-General.) I am not at all objecting to the information if I can only see what is being put on is something we can have access to and test. I merely meant, before the figures were read, it was a little little important to see what they were being quoted from.

(Mr. Davitt.) I have told the Attorney-General from what sources I am quoting, and I will get a copy of them for the Attorney-General.

(The Attorney-General.) I do not think this is ejectments at all.

(Mr. Davitt.) I did not say evictions, I said ejectments.

(The President.) Ejectment processes is your word; I do not think we have got that.

(Mr. Davitt.) I think it is very important for the argument I am now addressing to the Court, namely, that along with the threatened famine, and the social conditions to which I have referred, the people had in their minds fear through the serving of ejectment processes, and this fear acting upon men in this situation, men with a knowledge of past evictions and past clearances, really brought about the disturbance and crime, and outrage, which the "Times" attributes to the Land League.

(Mr. Justice A. L. Smith.) Sir Charles Russell in his speech gave figures of ejectment processes.

(The Attorney-General.) Yes; and there has been no proof of them at all. Of course, as far as one knows, not one in fifty of these may have been acted upon, and, if as Mr. Davitt said, it was something which was collected for the purpose of defence and never put in evidence, it is a little difficult to accept it now at once.

(Mr. Davitt.) I said this return was prepared by clerks of the peace in Ireland and sent in, on proper application, sent in to counsel for Mr. Parnell and his colleagues in 1881.

(The Attorney-General.) And never given in evidence at all, I am informed.

(Mr. Davitt.) If it is considered unfair, of course I shall not resort to this argument; but I am perfectly satisfied, in my own mind, that the figures were carefully gone over and compared with official returns, because it was a document prepared for a very big State trial in 1881 in Dublin.

(The President.) Yes; but the matter stands thus: It was not tendered in evidence.

(Mr. Davitt.) That I cannot say.

(The President.) No; it has not been tendered in evidence.

(The Attorney-General.) It has not been tendered in evidence here.

(The President.) No, so I say—neither there nor here. If we were to admit it, it would require investigation.

(Mr. Davitt.) Very well, my Lords, I will not insist upon it. I do not want to fall back upon anything which is not admissible.

(The Attorney-General.) I will only make one more observation about it. I will be quite willing to look at it, if Mr. Davitt wishes, and see whether I can admit it.

(Mr. Davitt.) I do not attach much importance to it.

(The Attorney-General.) Certain figures were in Sir Charles Russell's speech which have not been proved—at page 3679. If it is only those there would be very little objection to it. I rather wish those should be in, but all I mean is, it was impossible for me, I think, to allow figures to be read off-hand without knowing what they were and whether they were admissible.

(Mr. Davitt.) I do not know for certain whether they have been referred to or quoted by Sir Charles Russell, but I had a confused recollection that some reference had been made to them before your Lordships, and it was upon that ground I borrowed them in my own speech. But I do not wish to insist upon that point. The argument I intended to found upon the ejectment processes which were served was this, that the dread of eviction operated upon the minds of the people and drove the people, or were calculated to drive the people to those excesses in 1879 and 1880, which we know through history and through official reports caused agrarian crime and outrage in years gone by.

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[Continued.]

Anyhow under these circumstances, with partial famine, with no sympathy for the people distressed by the landlords, and with these processes being served, the people of Mayo and of Ireland resolved to rely upon themselves. I undertook, in conjunction with some of those charged here, to teach the people combination, along with some ideas and principles of land law reform which were then deemed and denounced as "Communistic," but many of which ideas are now embodied in legislation, while others are likely to soon keep them company upon the statute book of the realm. I have already pointed out to your Lordships the failure, or at least I have made passing reference this morning to the failure of the Tenant League under Sharman, Crawford, and others to win any substantial reform from Parliament. I also intended to have reviewed the failure of the Tenants' Defence Association under Isaac Butt, in order to show your Lordships that at the time when I organised this movement in Mayo in 1879 there was every inducement and every necessity for the people to take some action like that which I recommended in the Land League, in order in the first place to protect themselves against eviction and against other acts of unjust landlordism, and to demand from the Legislature such a radical change of the land system of Ireland as would save the peasantry in future from famine and from landlord injustice alike.

(*The President.*) Are you going to another branch?

(*Mr. Davitt.*) No, my Lord, I have confiscated so much of my speech to your Lordships' suggestion that I will now ask five minutes in order to put to-morrow's matter in better order.

Adjourned till to-morrow at 10.30.

“Uncorrected Proof.”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT, No. 1,
Wednesday, 30th October 1889.

(*Mr. Davitt.*) My Lords, on finishing my observations yesterday upon the American part of this question, I had intended to draw your Lordships' attention to the measures that had been introduced into Parliament by Irish representatives during a number of years, with a view of settling differences between the landlord and tenants in Ireland. I had prepared a list of all these measures, going back as far as 1829, giving the names of the Irish members who introduced them, and the English members also, and an account of what befel these efforts. I had also intended drawing attention to a corresponding number of Acts passed by the same Legislature—Coercion Acts—with reference to Ireland.

I also, my Lords, intended drawing attention to the opposition—to the then powerful opposition, of the “Times,” to all these efforts of Sharman Crawford and his colleagues, to better the condition of the tenant farmers in Ireland, and I wish to insist upon these facts as an additional argument justifying the land agitation of 1879, which, I contend, apart from my own share therein, was the inevitable evolution from the Tenants' League or Tenants' Defence Association. I wished likewise to dwell at some length upon the famine period of 1846 and 1847, and to quote from unbiassed authority the effects which the events of those horrible years produced upon the Irish peasant mind, especially the peasantry of Connaught, where the famine horrors were greatest. Your Lordships permitted me to read from the “Times” some of its then views about Irish landlords and their conduct; and this to some extent served my purpose. I then desired to call attention to the number of ejectment processes that were entered in the courts of Ireland in 1879 and 1880, so as to show how widespread were the apprehensions of eviction in the early days of the Land League. I wanted to show that in those two years, 1879-80, there was an increase of 87 per cent. in the ejectments entered in the courts, over the average number for the 25 years previously. I then came to the story of the Irishtown meetings; I called the attention of the Court to the resolutions proposed there, read a selection from some of those speeches; and then, with your Lordships' permission, I did the same with reference to the three great meetings which followed. I then came to the foundation of the Land League in Dublin in 1879, and your Lordship was kind enough to say that the programme so drawn up and adopted had received the careful attention of the Court.

Now, my Lord, what did the Land League propose to do, in order to effect what O'Connor, Crawford, and Butt endeavoured to accomplish, in order to secure the tenant in his holding, and give him the means and incentives to protect himself against agricultural depression or famine. The “Times” says in its charges that the Land League chiefs “based their movement on the scheme of assassination carefully collected and coolly applied.” This charge, as has already been pointed out, was not a charge of constructive legal or moral responsibility for the words or acts of subordinates, it means that myself, Mr. Parnell, and others, deliberately selected the instruments of organised murder and outrage and sent them forth to assassinate certain persons as the means by which we were to obtain our political end. And in *O'Donnell v. Walter*, the Attorney-General elaborates this charge at page 194; he says:—

“There are volumes of evidence, and it is being added to every day, to show
“that the whole organization of the Land League, and its successor the National
“League, depends upon a system of intimidation carried out by the most brutal

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[Continued.]

“ means, and resting ultimately upon the sanction of murder. The Irish Home Rule party glory in being the inventor of this organisation, and openly base their appeals, whether of the weeding or of the menacing kind, upon the knowledge that its power is at their disposal.”

And again at page 197 of *O'Donnell v. Walter* the learned Attorney said:—

“ Murder still startles the casuist and the doctrinaire, and we charge that the Land League chiefs based their movement on a scheme of assassination carefully collected and coolly applied. Be the ultimate goal of these men what it will, they are content to march towards it in company with murderers. Murderers provide their funds, murderers share their utmost counsels, murderers have gone forth from the League offices to set their bloody work afoot, and have personally returned to consult constitutional leaders on the advancement of the cause.”

(*The President.*) That is not the Attorney-General.

(*Mr. Davitt.*) Read by the Attorney-General in *O'Donnell v. Walter*.

(*The Attorney-General.*) One of the quotations.

(*Mr. Davitt.*) Read by the Attorney-General and adopted by him.

(*The President.*) I only thought you read it as part of the Attorney-General's observations—I only wanted to distinguish.

(*Mr. Davitt.*) Precisely, but by reason of reading this in *O'Donnell v. Walter* the Attorney-General adopted this indictment as the views of the “Times.”

Now, my Lords, this is the charge made by the “Times” against the Land League leaders. A programme of that kind has not been put in as evidence against the Land League in this Court, except in the form of Piggott's forged letters, but there have been programmes of the Land League produced, which do not appear, my Lords, to work out the object which they define by either outrage, murder, or assassination. The programme adopted at the Mayo Convention in August 1879, the one agreed upon and formulated by the conference in the Imperial Hotel on the 21st of the following October, that which Mr. Parnell laid down at the conference in the New York Hotel on the 13th of March 1880, and the resolutions and platforms which affirmed the real Land League programme of October at all the conventions held in America, have been put in here by the defence as evidence. But there is another and a more important one also to be found on the minute of this inquiry, which I could, if necessary, read, in order to show that the organisation which the “Times” so grossly libels, proposed, as early as April 1880, a plan of legal or parliamentary reform to meet the crisis in which Ireland was then placed. This programme was read, I believe, by Sir Charles Russell in his speech to your Lordships. I think it was again read during the examination of Mr. Parnell. If the programme is not in your Lordship's mind I would refer to it and read it again, but if it has come, as I am sure it has, under your Lordship's notice, I simply refer to it; it is at page 3,698.

(*The President.*) Just let me look at it. (*The volume of evidence was handed to his Lordship.*) Oh, yes, it has been under my eye.

(*Mr. Davitt.*) Your Lordships will observe that in that programme a proposed scheme of parliamentary, that is, legal and constitutional reform, was drawn up by Mr. Parnell and others, submitted to an open Land League Convention of the 30th April 1880, and unanimously adopted by the convention representing the Nationalist following, and the tenant farmers of the country.

In that programme, what I consider a very generous, and a too generous, offer was made to the landlords of Ireland. It was proposed that their interest should be purchased out by the State at the rate of 20 years, of the then Government valuation, a price which I think very few landlords in Ireland would refuse at the present day, my Lord. Well, I maintain that this programme, taken together with the official documents of the League both in Ireland and America, proved what is the real purpose of the League was—that they show what the *media* of the leaders of the Land League was, in order to bring about these reforms, and that that document published to the world seven or eight years ago, published in their entirety, answer the charges made by the “Times” against the Land League, which I have just quoted to your Lordships from *O'Donnell v. Walter*.

If I may be pardoned, my Lord, for a play upon the ugliest word in the English language, I venture to say that the landlord of Ireland would have no objection to

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be "murdered" in the sense of this Land League proposal, by obtaining 20 years purchase of the Government valuation for property which would not now bring 10 years in any open market.

The spirit of which this programme was put before Ireland in April 1880 by the Land League is clearly and cogently stated by Mr. Parnell in the speech which he delivered at the Land League Conference at the Rotunda, Dublin, at which the programme was fully discussed, and unanimously accepted by many representative men from different parts of the country. This speech will be found at page 2703; it has been read by Sir Charles Russell, and, I think, again during Mr. Parnell's examination, and I shall not do more than call your Lordships' attention to where it is to be found.

This, my Lords, is how the "Times" at that period commented upon the proposals which Mr. Parnell was then pressing upon the attention of the public and upon Parliament. I quote a brief leading article from the "Times" of the 5th of the first month of 1880:—

"The authority of economists of financial experts, and of practical men, will not be outweighed by Mr. Parnell's declaration. He will fail to rouse American public opinion as he intends. 'To create a moral force on Ireland's behalf,' which he says is 'wanted more than money,' would be easy and effective; if the agitation he has organised were directed against a substantial and demonstrable grievance, such as were in former days the disabilities of the Roman Catholics, or even the maintenance of the Church of the minority, as a State establishment of religion. But Mr. Parnell wishes to create a moral force in the United States which would coerce English opinion into undertaking a gigantic and costly scheme for buying out the Irish landlords, and giving the tenants the freehold subject to State mortgages."

My Lords, this was the proposal made by Mr. Parnell and by the Land League in 1880 and denounced by the "Times"; and it is now the very proposal, put forward by the present Government, for the solution of the Irish land disturbances and the Irish land difficulty. So that no matter how moderate or how practical Irish representatives have been with reference to this question, they always had to meet the opposition, the great opposition, of the London "Times,"—this paper, that charges us here with making no such effort as those I have referred your Lordships to, to settle this great and burning grievance in Ireland. Mr. Parnell's speech at this conference in Dublin, when proposing this programme in Dublin, shows the greatest solicitude for the protection of that class of small tenant farmers, then too numerous in Ireland, who were receiving the largest proportional share of the ejectment processes, which I drew your Lordships' attention to yesterday. Mr. Parnell's proposal would throw the shield of the law round these humble cabin houses until such time as the Legislature could approach the problem of the final solution of the whole agrarian difficulty in Ireland. He did not propose to do this by taking from the landlords rent any more than was subsequently deducted therefrom by the law of the land in the operation of the Land Act of 1881; and, my Lords, if this protection were offered by the Government in the spring of 1880, when the Land League Conference demanded it, in the name of justice, equity, and peace, what troubles and deeds of passion and blood would have been averted from the life of an unhappy country.

Mr. Parnell, as chief of the Land League, did not allow the Rotunda Conference, or the promulgation of its proposals on the rent and land questions, to represent all which he was called upon to do to prevent eviction and violence.

Mr. O'Connor Power, then a colleague of Mr. Parnell's, was deputed by the Irish Parliamentary Party to introduce a Bill framed upon the lines of the resolution proposed by Mr. Parnell at the Rotunda Conference, and to some extent embodied in the Land League programme.

The Bill only proposed to deal with certain tenancies—those of the smaller class belonging to the people suffering most from the depression of the time, and singular but significant fact, this Bill was limited in the area of application, as well as in the amount of rental to be affected by it. It was intended for application mainly to the counties of Mayo, Galway, Clare, Kerry, and West Cork, those very counties in which nearly all the outrages occurred subsequently which are being now investigated by your Lordships' Court.

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This Bill, so limited in its scope and application, proposed that, upon the payment of one-half year's rent, all eviction processes on the part of the landlords should be stayed for a definite period. This was no unreasonable proposal under the exceptional circumstances of the time. It offered the landlord what was a fair composition on the part of a creditor who was made bankrupt in the matter of rent, through the operation of bad seasons and economic causes, over which he most certainly could not exercise any control. The proposal was also made in the interests of peace, and if the landlords of Ireland, and their then friends in Parliament, had any the slightest sympathy with the condition of the poorer tenants of Ireland, or any sincere desire to avert trouble and disorder, they would have accepted Mr. Parnell's proposal and quieted the apprehensions of the thousands of their tenantry who were face to face with the question of eviction.

On the 25th of June Mr. O'Connor Power moved the second reading of this Bill, which was practically the Land League proposal at the conference of Dublin to which I have already referred. He explained its simple provisions, which mainly consisted in a proposed repeal of the 9th section of the Land Act of 1870, which disentitled a tenant to compensation for disturbance, if he were evicted for nonpayment of rent for the holding. As already explained, this Bill was to be limited to certain classes of holdings as to specified districts. The Government did not accept of the Bill as introduced, but they subsequently embodied the principle of this Land League measure in the Ministerial Relief of Distress Bill, after modifying the application of this principle to a limited extent.

It was finally taken from this Bill, which met with some opposition, and was brought forward on behalf of the Government as a substantive measure under the title of "The Compensation for Disturbance Bill," by the late Chief Secretary, Mr. W. E. Forster. This Bill has been put in as evidence by Mr. Parnell, and will be found at page 3906. It has, I am sure, received your Lordships' attention, and I will not therefore read it as I intended doing. Mr. Forster in introducing this Bill used some very remarkable words, which cannot be too much commended for their candour and wisdom at that period. These words have been quoted by Sir Charles Russell at page 3677 of the Official Minute, and I suppose your Lordships have given the words due attention.

As your Lordships are aware, this measure was rejected by the House of Lords, that is by that irresponsible assembly in which neither the tenants of Ireland, nor the industrial classes of Great Britain, have either voice or influence. This Bill for the suspension of evictions, under certain specified conditions, was thrown out by the Irish landlords and their British territorial brethren, though it was a Government proposal, and had been sanctioned and voted by that part of the Legislature which is directly responsible to the peoples of these three countries. No less a personage than His Grace of Argyll spoke in favour of such a law being passed under the exceptional circumstances of the period, and what he said on the occasion forms so pertinent a comment upon the events then and previously occurring in Ireland, that I call your Lordships' attention to them. They are found at page 3677 of the evidence.

Now, my Lords, the evidence for the defence has shown by statistics, unhappily only too truly, that disturbance and outrage became alarmingly prevalent in the winter of 1880, following the rejection by the House of Lords of this measure, which was the outcome of both Land League and Government and House of Commons combined, desire to avert evictions, and remove the apprehension of them from the popular mind of the country, and by so doing prevent what the "Times" in the republished articles of 1880 said was:—

"The chief source of all agrarian crime in Ireland, namely, evictions."

Now, my Lords, the "Times" of 1887, on the other hand, charges, that these and the previous and subsequent outrages were the direct result of the action of the Land League, brought about by the speeches and the deliberate planning of the leaders of that organisation. One of the charges in the indictment of the "Times," at page 73 of the Blue Book, declares:—

"That the leaders by their own speeches and those of their subordinates
"directly incited the people to outrage, and took no step by speech or act to
"prevent, to stop, or to condemn outrage."

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And again at the same page of *O'Donnell v. Walter* the learned Attorney-General emphasises this charge in the following words. I am not sure whether he is quoting from "Parnellism and Crime" or whether they are his own words on the occasion, but will take them as being his own:—

"On not one single occasion do we find the slightest speech, or one single expression, directed to diverting the minds of the people from outrage, to diverting them from the acts which certainly followed, and to the knowledge of these men followed."

And again with further forensic emphasis the learned Attorney-General says, at page 74 of the same Blue Book:—

"During the whole period of these years—from 1879 to 1887—there is not, so far as I know, one solitary speech amongst the thousands delivered in which any one of these men deprecated the outrages which were undoubtedly going on."

My Lords, more specific and unqualified charges and assertions could not be put in words than these, repeated as they are twice or three times in the same statement, in order, I presume, that the charge should be as clear and as complete as the English language could make it.

Well, my Lords, I might if I chose, fall back upon the tactics of old logicians, sometimes employed I believe by pleading lawyers, and claim that if I could demonstrate the negative of the "Times" major proposition, by showing that one speaker had made one speech in the Land League condemning outrage, I would succeed in disposing of such a charge as is contained in the quotations from the indictment. But I will not confine myself to evidence so narrow as that; I will not rely upon one speech "out of thousands," as the evidence given by witnesses for the defence already disposes of this matter, but I propose to deal with this charge of the "Times" by evidence which will require a double magnifying glass on the part of Sir Henry James to find it when I have done with it. I shall multiply proof upon proof out of the Attorney-General's "thousands of speeches" to demonstrate that whoever made up his brief and put these words into his mouth was wilfully misleading him when he was betrayed into those assertions in *O'Donnell v. Walter*. Nearly all our witnesses have testified—those at least who gave evidence as to speeches—that it invariably happened that the chairman or some speaker at every Land League meeting denounced outrage more or less, and warned the people against their commission. Even the "Times" witnesses—and most important ones too in this connexion—have corroborated our testimony, and disproved the charge with which I am now dealing. The first witness called for the "Times" in this inquiry was Constable Bernard O'Mally, of the Royal Irish Constabulary. He was an official shorthand writer for the Government in Ireland. He gave evidence as to certain speeches made at the Miltown and Shrule meetings—the Miltown meeting of 1880, and the Shrule meeting which occurred about the same time. I addressed both of these meetings, but Constable O'Mally did not produce, nor was he asked to produce, a word of what I said at either place, but he did more or less produce and read in full speeches made at these two meetings by P. J. Gordon, Scrab Nally, Martin O'Halloran, and other celebrated men, whose views were doubtless more important to the "Times" than mine.

The next witness called by the "Times" in reference to speeches was Constable Irwin; he also had reported some speeches of mine, but he was not asked by the "Times" to read or produce them before your Lordships.

At page 446 of the Official Minute he gives the following replies to Mr. Healy's cross-examination:—

"(Q.) Can you give any idea to their Lordships—rough idea—how many meetings were held in the year 1879?—(A.) There were some hundreds, I think, (Q.) 1880?—(A.) There were a good many held in 1880. (Q.) Would you say thousands?—(A.) Well, I would say hundreds. (Q.) Would you say thousands?—(A.) Well, I cannot say thousands. I cannot, on my oath, say thousands. (Q.) Were not there thousands of branches of the Land League?—(A.) I am counting public meetings. (Q.) I will take everything. Were not there thousands of branches of the League?—(A.) Yes. (Q.) Did not they meet fortnightly?—(A.) I believe so; some weekly, some fortnightly. (Q.) Were

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“ not the proceedings public, and published in all the newspapers?—(A.) In some cases, I believe. (Q.) I will take as a general rule. Give your evidence?—(A.) I saw reports in the papers myself; but I am not aware otherwise. I have no other knowledge except what I saw in the papers. (Q.) So far as your experience went, were the proceedings at these meetings not known to everybody?—(A.) To everyone who went in—the public—that is, people who attended. I know the police attended in some cases in the beginning, and I think they were refused admittance then at many places. (Q.) How many meetings would you say were held from start to finish of this movement—would you say there were 20,000 meetings held?—(A.) I would not. (Q.) Well, give your estimate?—(A.) Do you include League branches and all. (Q.) I will take your answer in the way you give it?—(A.) If you include League branches, the meetings of the branches weekly and fortnightly, there must have been thousands. (Q.) Tens of thousands?—(A.) Well, I would say so. That is the local branches and all. (Q.) You would say there were tens of thousands almost?—(A.) I would say there were ten thousand meetings, that is, all the branches included.”

Now, that is, my Lord, to prove the number—the very large number—of meetings, and the large number of speeches delivered, to prove it out of the mouth of the “Times” witness, and in order to point out by-and-by, as I shall, to your Lordship that the number of speeches relied upon here did not go beyond 306. At page 442, in reply to Sir Charles Russell, the same witness makes these admissions:—

“ (Q.) Now, we will have the speeches referred to later *in extenso*; but my Lords will allow me to put this general question. At many of the meetings—I will not say all for the moment—but at many of the meetings were there not speeches enjoining patience upon the people?—(A.) At some of them. (Q.) Do you not adopt my phrase?—(A.) I can speak to only those I was at myself. (Q.) Of course I am speaking of those you were at yourself?—(A.) I heard clergymen enjoining on the people to keep quiet. (Q.) To keep patient?—(A.) To keep quiet. (Q.) I used the words ‘many of them,’ and you said ‘at some of them.’ Do you mean to say it was not at many of those that you yourself reported?—(A.) Well, if you take all the meetings I reported I would say a good many. (Q.) Taking all the meetings you reported, at a good many of them the speakers enjoined patience upon the people?—(A.) Patience, and to keep quiet. (Q.) And have you noticed in the later speeches beginning from about 1881, 1882, and 1883, that they have urged the people to rely upon the efforts of their own leaders to secure benefits from Parliament for their relief?—(A.) That was the general tone of the speeches of the members of Parliament—the general tone except at some meetings, you know—some meetings, I do not not say all meetings, Sir Charles; I cannot charge my memory with that.”

Then, my Lords, with reference to Scrab Nally, the following questions were put by Sir Charles Russell at question 1319:—

“ I do not know whether you ever encountered the celebrated, as the Attorney-General has now made him, Scrab Nally?—(A.) I did not, but I saw him. (Q.) Do you know he is a joke in the country in which he lives?—(A.) He is looked upon as a wild man.”

And then at question 1323 the same witness says with reference to Nally:—

“ Well, I do not think any calm, reflecting person would attach much importance to him.”

And this is the orator who is reported fully by Constable Bernard O'Malley at meetings where I spoke, and yet the vapourings of this wild man, to use the language of the “Times” witness, were deemed of more importance to the purpose of the Government in Ireland and the purpose of the “Times” here than what I said on those occasions.

Well, I had intended drawing your Lordships' attention to answers given by the same witness to me at page 451, but I take it that what I have already quoted from his evidence is sufficient for my purpose. In this manner, my Lord, the “Times” Government witness answers the “Times” charge, that not on one single occasion do we find the slightest speech or single expression directed to diverting the minds of the

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people from outrage. Then, my Lords, we have Constable Bernard O'Malley again recalled to give evidence about the speeches of the same important gentleman, P. J. Gordon, and one speech from John Hanley, and no less than 10 pages of the official note are taken up with the speeches of these two eminent statesmen, six lines of whose combined utterances on these occasions never appeared in the "Freeman's Journal" or probably in any other place, except in Constable O'Malley's phonetic museum of oratorical curiosities.

But, my Lord, this constable on the occasion of his second entrance into the witness box makes some highly interesting admissions in reply to the questions put by Sir Charles Russell at page 464 and following pages, to which I will direct your Lordship's attention. At question 1635, on page 464, it says:—

"But did you gather from the speeches that the speakers were apprehending difficulty in opposition to them from the Fenians?—(A.) Yes, from the speeches I did. * * * * * (Q.) Was there a Father Eglington who spoke at that meeting?"

That is the Abbeyknockmoy meeting, my Lord.

"(A.) There was. (Q.) Have you a transcript of his speech?—(A.) I have not the transcript. (Q.) Why not?—(A.) Because I was not told to transcribe only Gordon's and Hanley's speech."

In other words, my Lord, Father Eglington, who presided on that occasion, strongly and unequivocally denounced the murder of Lord Mountmorres; the Government reporter who was sent there to report the speeches deliberately omitted reporting what Father Eglington said, and paid all attention to the nonsensical utterances of the Mr. Hanley's, and the Mr. Gordon's, and the Mr. Scrab Nally's. Question 1648, page 645, brings this out very strongly:—

"Now I must ask you, as this speech is coming, did not Father Eglington at that meeting, held on the 3rd of October 1880, denounce the murder of Lord Montmorres?—(A.) He did. I have a distinct recollection of that. He did and by name too. (Q.) You were not asked to transcribe that?—(A.) No person told me what to transcribe, but I understood these two speeches were all that were wanted for that meeting."

These are the speeches of Hanley and the speech of somebody else equally insignificant. Then, my Lords, at page 468 O'Malley answers Mr. Reid as follows. It is one or two questions only. Question 1713, page 468:—

"(Q.) On most of these occasions were there the parish priest or the clergy on the platform?—(A.) Oh, most of them; yes. (Q.) A number of priests very often, is it not so?—(A.) Sometimes—very often; sometimes there used to be a good many, nine or ten of them often, according to the place. (Q.) On the platform?—(A.) Yes. (Q.) Is not it the case that at most of these meetings there were denunciations of crime and outrage?—(A.) It is as a rule. That is the rule. (Q.) By the priests and other speakers?—(A.) By the priests and other speakers. (Q.) Exhortations to the people to be patient and quiet and so forth?—(A.) Telling them to commit no crime; it would injure their cause to commit crime. (Q.) To commit no crime, and they would injure their cause by doing so?—(A.) Yes. (Q.) In regard to these meetings you attended, I do not expect you to be able to record in exact numbers; but a great many meetings, I believe, were held in 1882, 1883, 1884, were there not?—(A.) Yes.

Then on page 469 Bernard O'Malley also puts on record his opinion of "Scrab" Nally, and he says in answer to question 1731, "He was just what I would call a free lance at a meeting." Then in answer to the next question the witness said, "He used to get up on his own account." Now, my Lord, here we have in the plainest possible language from both Irwin and O'Malley, but especially from O'Malley, a refutation of the "Times" charge, such as I have read out to your Lordship, that at no meeting of the Land League did anyone denounce outrage or warn the people against crime.

Now, my Lords, I will leave the "Times" witness, and I will refer to the "Freeman's Journal," the leading daily paper in Ireland, and the one which reported most, if not all, of the Land League meetings and speeches. It was one of the papers

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included in the particulars through which we are charged with disseminating speeches inciting to the commission of outrage, &c., and I may as well tell your Lordships at once the extent of what I propose to do in this respect. I have gone over the reports of hundreds of Land League meetings from Irishtown down to 1886 or 1887, and I propose to read from the "Freeman's Journal" speeches delivered every year by nearly all the persons charged here, and by priests and others who presided at Land League meetings, with a view of convincing your Lordships and the outside world that have read the charges of the "Times" against us that there is no grosser and more unjust charge in the whole indictment of "Parnellism and Crime" than this, which says that no Land League speeches were delivered, or the leaders never spoke in Ireland to dissuade the people from outrage and crime. It will be for me a heavy task, but I would appeal to your Lordships in the interests of the peasantry of Ireland that I represent here—I would appeal in behalf of hundreds of men who are not charged here, but who took part in the Land League movement, and I would appeal also earnestly in behalf of my country that has been stigmatized by the "Times" as a country of assassins—to be allowed to read extracts, numbers of extracts, from these speeches at these meetings. I will give the date of the meeting; I will give the date of the "Freeman's Journal" in which it is reported; I will give the name of the speaker, and will give copies of the speeches in full to Sir Henry James, or at least I will give copies of all the speeches of 1879 and 1880. I have them here in a volume, but the speeches of 1882, 1883, 1884, 1885, and 1886 I have not in full.

I know, my Lords, that it will be inflicting a good deal of my voice upon this Court, and I assure your Lordship if I could consult my own health and my own wish I would save the Court and myself from this trouble, but I feel that next to the infamous charge contained in the forged letters, no charge has been made against me or against the Land League, or against Ireland, so grave from my point of view as those which were repeated by the Attorney-General in the plainest possible language, where he said that not one single speech had been delivered by the people charged, and that we had made no effort in Ireland to dissuade the people from outrage and crime. I, yesterday, in obedience to your Lordship's wish, sacrificed a great deal of what I intended saying, but I recognised that your Lordship was quite right and I do not complain about that, but I would ask, for the reasons I have advanced, that I be permitted to give the completest possible refutation to this charge of the "Times."

(*The President.*) Do you mean that you want to add to those reports of speeches which have been given in evidence?

(*Mr. Davitt.*) I do, my Lord.

(*The President.*) Well, you know, in strictness the evidence on the subject is concluded; but as you have seen I have not stopped you, and you have been reading a great deal which has not been given in evidence. I must ask you not to carry this further than is necessary. I mean, it is not necessary to give every speech.

(*Mr. Davitt.*) Oh, no, my Lord; I do not intend to do.

(*The President.*) Then I shall not stop you, but I hope you will limit the number as much as possible. You speak as though you were going to read hundreds of them.

(*Mr. Davitt.*) No, my Lords, I do not think I will go so far as hundreds, and even those I intended to read will be confined to short extracts from the speeches. I would not think of inflicting all the speeches.

(*The Attorney-General.*) There is one difficulty. Of course, so far as Mr. Davitt is concerned, I, so far as I am allowed, concur in your Lordship allowing him to make any statement he wishes with reference to himself, but I understand the speeches he has indicated are delivered by other persons charged. They purported to produce the principal of their speeches, Mr. Reid producing them on the instructions given. I think the particular paper in that case was the "Cork Herald." It was found on examination the extracts so supplied were so qualified by the context that they had to be withdrawn, and could not be put in. They were not trustworthy; and, although I say again as far as Mr. Davitt is concerned, I think it will turn out his position in regard to these speeches is very different from that of the other persons charged, it is a rather serious task for him at the present moment to attempt to put in a number of speeches on behalf of other persons charged which for all I know may require much further investigation and examination of the rest of the speech to see how far the particular passage is qualified. I only mention it to your Lordship, not in any way as

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desiring to affect your Lordships' judgment, but to point out the difficulty we may be placed in.

(*The President.*) There is a very great difficulty. You must see yourself, Mr. Davitt, that it would be necessary to examine the papers in each case and read the whole of the speeches to see whether the extract you give is a fair summary of its whole contents.

(*Mr. Davitt.*) But, my Lord, we are held responsible for everything which has appeared in the "Freeman's Journal." It is one of the newspapers in the particulars.

(*The Attorney-General.*) We have not been allowed to refer to the "Freeman's Journal." Sir Charles Russell from the beginning objected to that. It is one of the papers we have not been allowed to quote from, as not being the organ of the League. I am not saying that with reference to any particular report of a speech Mr. Davitt might now wish to quote. I should not take an objection on the ground that the report in the "Freeman's Journal" was not a correct report, but Mr. Davitt is for once and very seldom incorrect in saying that the "Freeman's Journal" has been treated in the course of this inquiry as a paper to which we were allowed to refer as the representative organ of the League.

(*Mr. Davitt.*) All I know, my Lord, is that in the particulars served upon me I am charged with the publication and dissemination of newspaper and other literature inciting to and approving of sedition and the commission of crimes, outrages, boycotting, and intimidation, particularly the "Irish World," the "Chicago Citizen," the "Boston Pilot," the "Freeman's Journal," and "United Ireland." I should have thought that Counsel representing the "Times," after what the "Times" has done and said and failed to prove against the people of Ireland, would at least allow me the privilege of refuting, in the name of the people of Ireland, the name of those who join the League, the indiscriminate charge made against the Land League by the "Times."

(*The President.*) Yes, that is quite pertinent. That is not the objection, but the objection is that the time for giving evidence is passed. I should not strictly limit you on that ground. I have allowed you to put in a good deal of evidence which was not given, you know, at the proper time, but it would involve the necessity of examining all these reports of speeches that you now propose to give. It would be re-opening a large part of the case.

(*Mr. Davitt.*) Am I to understand, your Lordship, that this would entail more labour upon the "Times" or more labour upon the Court.

(*The President.*) On both.

(*Mr. Davitt.*) Well, I have made my appeal. If I cannot do this, of course I simply put that part of my speech on one side; but I think that injustice to this movement, which is stigmatised as a movement of assassins which worked for assassination and nothing else, that I ought to be permitted to do the movement of the people of Ireland this act of justice, when I refer to the "Times," to the course from which I get my denunciations of crime.

(*The President.*) Is it all from the "Freeman's Journal"?

(*Mr. Davitt.*) There are a few from the "Irish World," but they are my own speeches.

(*The President.*) The "Irish World," how does that come in?

(*Mr. Davitt.*) I have failed in many instances to trace my own speeches in the "Freeman's Journal." I have been in prison, and I could not get at the "Freeman's Journal"; but friends have supplied me with files of the "Irish World," and in that way I have been able to trace my own speeches, but the quotations from the "Irish World" are not many, and are chiefly with reference to my own speeches. I may tell your Lordship it would take at least three hours to go through them.

(*The President.*) That is to say, it would take three hours to read, and then it would be necessary to have all those compared before we could deal with them.

(*The Attorney-General.*) Mr. Davitt has frankly stated that some of these extracts come from the "Irish World."

(*Mr. Davitt.*) My own speeches.

(*The Attorney-General.*) We have been strictly limited as to the period for which the "Irish World" has been put in. I do not know how far it overlaps, but it would be essential if a speech were relied on as a publication in the "Irish World" that one should look at the paper and see what was published.

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(*Mr. Davitt.*) I understood the object of the "Times" here was to assist your Lordships to get at the facts.

(*The President.*) But then you must remember, Mr. Davitt, that we from the very earliest announced our intention of conducting this case upon the lines of an ordinary judicial investigation, and that, therefore, prescribed certain rules for us, and I have indicated to you what the difficulty is. It would really be re-opening a large branch of evidence and take considerable time to compare these reports which you propose to put in.

(*Mr. Davitt.*) Yes, I am perfectly aware what your Lordship's position is here, and I would be very sorry to make it more irksome or more laborious; but I am also aware, and I think your Lordship has on one occasion acknowledged the fact, that there is an outside public opinion that has been watching these proceedings, and that will ultimately have to pronounce upon your Lordships' report, and I told your Lordships in the beginning of my observations that this indictment which I am endeavouring to answer was purely a political indictment made for a political purpose, made to prejudice the voters of Great Britain against Mr. Parnell and his colleagues, and now the "Times" has not the manliness to allow me——

(*The President.*) No, no. You must not say that.

(*Mr. Davitt.*) Well, I am speaking about the "Times."

(*The President.*) No, but I must not allow you to make observations of that kind. There is no question of manliness in it. The question is, what is the law that is to guide us. I have been very anxious indeed to be as indulgent to you as possible.

(*Mr. Davitt.*) Very well, my Lord. I will take that as an indication that I am not to refute this charge to the extent I had intended.

(*The Attorney-General.*) So far as Mr. Davitt's own speeches are concerned, might it not be done.

(*Mr. Davitt.*) I shall not read any of them, my Lord.

(*The Attorney-General.*) Why do not you take your own speeches, Mr. Davitt.

(*Mr. Davitt.*) No, I will pass it by. It is all right.

(*The President.*) Mr. Davitt, we have considered this matter, and you will of course remember that the case has hitherto been conducted by Counsel of the highest position in the profession, and who, no doubt, have done everything they thought it was right to do, and they have given evidence to the effect which you are now submitting to us, and I should have thought that you might have relied upon what they had done; but we recognise the fact that you have assumed an independent position throughout the inquiry, and have conducted the case on your behalf for yourself—as to which I must say that I do not think the case has suffered from that fact—but you have allowed the strictly proper opportunity to go by for introducing these reports of speeches that you now desire to call to our attention. But we feel so strongly that we ought not to exclude from our consideration what is undoubtedly relevant if it had been tendered at the right time, that notwithstanding the great inconvenience which it will impose upon us and upon others, we will allow you to read these extracts. But it will be necessary, of course, that there should be an opportunity given for the Attorney-General to verify them in order that observations may be made upon them and any qualifying passages also called to our attention. You are going to refer to the sources of your information?

(*Mr. Davitt.*) Precisely.

(*The President.*) And, of course, there must be an opportunity afforded to the Attorney-General of referring to those sources in order to see what qualifications there may be to a speech itself in other parts of the paper. Therefore, I leave it in your hands to make use of such parts of these reports as you think will be useful to your case.

(*Mr. Davitt.*) Thank you, my Lord. I feel, of course, the concession which your Lordship has made, and I feel called upon to make a concession which is this; instead of reading from this mass of speeches, I will mention the meeting and the date at which a denunciation of outrage took place.

(*The President.*) Now we have gone so far, I would rather that you should read them. It would really involve us in more trouble. I would rather hear now what passages you have selected.

(*Mr. Davitt.*) Very well.

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(*Mr. Justice A. L. Smith.*) In order of date, I hope, Mr. Davitt?

(*Mr. Davitt.*) Yes, in order of date. I hope I shall not, in consideration for my own voice and for the Court, inflict them all upon your Lordships. I had intended quoting from the speech of Mr. M. M. O'Sullivan at the Irishtown meeting, but I quoted it in another connexion yesterday, I think. Therefore that is unnecessary. I have a report of the whole Irishtown meeting here which I will hand with pleasure to Sir Henry James.

(*The Attorney-General.*) Give me the date of the report, please?

(*Mr. Davitt.*) 20th April 1875. The "Connaught Telegraph."

The next meeting was Claremorris, and I quote in another connexion. I read what Canon Bourke said in another connexion yesterday.

(*The Attorney-General.*) My Lord, I have no right to ask any favour, nor do I wish it, but as I find this was printed as far back as 1880 by Mr. V. B. Dillon, of 7, Rutland Square. It does occur to me if there was an unmutilated copy it might be a saving of expense. Possibly Mr. Davitt will inquire whether it can be obtained.

(*Mr. Davitt.*) I shall wire to Dublin to-night.

(*The President.*) Printed when?

(*The Attorney-General.*) Michaelmas 1880.

(*Mr. Davitt.*) My extracts are taken from that book. It puts the speeches in a compendious form. In subsequent years, of course, I got the extracts from other sources, from the "Freeman's Journal"; but these speeches were all gone over, as your Lordships are probably aware, in the State trials in Dublin.

(*The President.*) Of course many of them were.

(*Mr. Davitt.*) Not all of them.

(*The President.*) They did not go then as far as you desire to go now. That case took 21 days.

(*Mr. Davitt.*) I do not think I shall trespass too much on your Lordship's kindness.

(*The Attorney-General.*) Might I ask your Lordships to ask one question. I do not wish to interfere except to keep the matter straight. May I ask your Lordships to ask whether these passages have been identified with the paper which they purport to come from?

(*Mr. Davitt.*) No; I candidly say I have not compared them with the "Freeman's Journal" of that date. These speeches were gone over and carefully compared at that time in a trial somewhat similar to this.

(*The Attorney-General.*) I do not think they were given in evidence at all. They were never given in evidence at all.

(*Mr. Davitt.*) Well, if the Attorney-General thinks it unfair, I do not want to insist upon it.

(*The Attorney-General.*) I never used such an expression at all. I only wish to guide myself as I go along, please.

(*Mr. Davitt.*) Of course it has been very heavy work for me. I have had no assistance from a lawyer or anybody. I have gone through this whole case myself, and I have had to avail myself of the publication of those speeches in that form in 1880.

"At a tenant right meeting at Ballinrobe, on October 6th, 1879."

(*The President.*) What do you get that from?

(*Mr. Davitt.*) From the "Freeman's Journal"—taken from this volume which, of course, is printed from the "Freeman's Journal." I am afraid if it takes this time, my Lord, it will be a rather heavy ordeal for the Court.

(*The Attorney-General.*) That is not in this book at all—at least, I cannot put my hand upon it.

(*Mr. Davitt.*) Well, my Lord, to save trouble and time—for evidently this will go on for a fortnight at this rate if there is to be a reference—to save time and to save myself, I will put these speeches on one side and deal with my own only. They are not very numerous. Of course, I do not want your Lordships to imagine that I have taken anything from that book or from any paper that has not been found in the "Freeman's Journal" on the date that I give for the meeting.

(*The President.*) No; nobody suggests that.

(*The Attorney-General.*) I make no such suggestion, Mr. Davitt.

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(Mr. Davitt.) Very well; I see it would take at least a week at this rate to go over these speeches. Therefore I shall deal with my own. I do not suppose there will be any difficulty in tracing those.

This is my own speech at Armaghdown on the 12th October 1879.

(The President.) Where do you get this from?

(Mr. Davitt.) It is from this source. Of course I only give the one extract:—

“ The highest duty imposed upon man by his Creator is to sustain and
“ preserve the life of himself and his offspring. The greatest crime he can
“ commit is to deprive another of the existence which is so precious in himself,
“ and whether that law of God is violated by the eviction of a creature from the
“ land by which alone he can live, or in the case of a landlord, by the deadly aim
“ of an avenging rifle, it is equally reprehensible in the sight of God.”

Then I went to America in 1880, and at an Irish movement demonstration at St. Louis, Missouri, on the 21st August 1880, which is reported on page 5 of the “ Irish World ” of 28th August 1880, I say among other things:—

“ The practical question of the land agitation was ‘ How shall we abolish
“ ‘ the landlords, and what shall we put in their places?’ (Cries of Shoot
“ them.)”

(The Attorney-General.) I think that is already in page 5715.

(Mr. Davitt.) Very well, I do not want to read anything that is in; but on that occasion I strongly objected to this. Then there is a meeting in New York at the Botanic Hall, reported in the “ Irish World,” October the 30th, 1880, page 5:—

“ We have condemned from the beginning outrages against landlords. Such
“ acts instead of advancing the cause of the Irish National Land League has the
“ opposite effect. It is the system that is evil in its nature. It is the system
“ which is responsible, and not the landlords, and it is the system we must
“ destroy. I am in favour of shooting landlordism instead of landlords.
“ (Applause.)”

That was in New York, my Lord. Then I returned to Ireland in November 1880, and in the “ Weekly Freeman ” of the 27th November 1880—

(Mr. Justice A. L. Smith.) At Cork; that has been read?

(Mr. Davitt.) Yes, at Ballymena in Cork, and also, I think, at Ballymena the day after.

(The Attorney-General.) A selection was put in by Sir Charles Russell, in Mr. Parnell’s examination, at page 4013, they begin.

(Mr. Davitt.) Then there was a Land League meeting at Sligo reported in the “ Irish World,” November the 29th, 1880.

(The Attorney-General.) That has been read.

(Mr. Davitt.) Then a meeting in Michaelstown reported in the “ Freeman ” of December the 7th, 1880, where it is reported that, while I was speaking, a man shouted out “ Shoot the landlords,” and he was roughly taken in hand, and kicked out as a disturber immediately.

(The Attorney-General.) Give me the date of the Michelstown meeting; I think it has been read, page 4216.

(Mr. Davitt.) The next one is at Rathcoole, Dublin, December 22nd, 1880. That also has been read. The next is at a Land League meeting in Tralee reported in the “ Irish World ” the 5th of February 1881; that is also in, I see, at page 4217.

(The President.) How does that come to be reported in the “ Irish World ”?

(Mr. Davitt.) It is reported in the “ Freeman’s Journal ” and copied into the “ Irish World ” after.

(The President.) You did not have it from the “ Irish World ”?

(Mr. Davitt.) No, my Lord, I was in prison at the time and had to get these papers when I came out. Then at Kilburn, reported in the “ Irish World,” February the 12th, 1881, that I know has been read here, page 4218. Now, I come to a manifesto that was issued by the Irish Parliamentary party in 1881. I do not think it has been brought to your Lordship’s notice. I find it in the “ Irish World.” I want to read this, my Lord, in the interests of those who are not here now. It is very short, and I think it is important to have it read in this connexion, because it is warning the

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whole Irish people, by the whole Irish Parliamentary party against excess, or outrage, or unconstitutional action. I find it in the "Irish World" 19th February 1881, page 5—

"Fellow countrymen,—At a moment when too many acts of the Irish executive abrogate the law, and tend to drive you from positions of constitutional action, the reign of force has been inaugurated against us as your representatives here on the floor of the House of Commons, a proposal to depart from the ordinary and legitimate procedure of Parliament, and to suppress at a stroke the liberties of our country, has imposed upon us duties from which we could not shrink. Strictly and admittedly confining ourselves within the rules and laws of parliamentary action, we resisted these flagrant proceedings. Only by resorting to open illegality could our efforts be defeated. On Wednesday, in violation of the laws and liberties of Parliament, the voice of the Irish representatives was arbitrarily silenced, not to facilitate any useful effort of legislation for the English people, which has always received our advocacy and support, but in order that a Coercion Act for Ireland might be forced through the Legislature. Last evening we, 35, your representatives for claiming our rights within the rules and precedents of this Assembly, were removed by force from the Chamber, and a scene, recalling the worst days of the Stuarts, disgraced the records of Parliament. Advantage was taken of our enforced absence to rush through the House resolutions which were designed against Ireland, which rest in an individual autocratic power, and deprive us, as your representatives, of all guarantees of freedom of action or speech. In the midst of such proceedings the news which reaches us from Ireland daily grows in gravity. Meetings are illegally suppressed, arrests are arbitrarily made. Yesterday a man well known to us, and to many of you during these recent events as the councillor of tolerance, restraint, and prudence, has been seized without warning, and flung back into the horrors of penal servitude.

"Fellow countrymen,—We adjure you in the midst of these trials and provocations to maintain the noble attitude that has already assisted your ultimate victory, to reject every temptation to conflict, disorder, and crime, and not to be terrorised by the brief reign of despotism. If you be true to yourself your triumph is certain.

"To our countrymen in Great Britain we appeal to frustrate all endeavours to excite enmity between them and their English fellow citizens, among whom many generous voices are even now raised on our behalf.

"Fellow countrymen,—In discharge of our duties here, our attitude and our actions have been, and shall be in every instance guided by consideration for your interests; we ask you by your orderly self-restraint, your unshaken organisation, your determined perseverance, to strengthen our hands in the struggle we are maintaining."

Then it is signed by:—

"C. S. Parnell; Justin McCarthy; John Barry; J. G. Biggar; G. Byrne; Wm. J. Corbett; John Daly; C. Dawson; John Dillon; H. J. Gill; C. D. Gray; T. M. Healy; R. Lalor; Edward Leamy; James Leahy; J. C. M'Coan; E. W. Mahon; B. C. Mollony; R. H. Metge; Isaac Nelson; Arthur O'Connor; T. P. O'Connor; F. H. O'Donnell; O'Donoghue; O'Gorman Mahon; Jas. J. O'Kelly; R. O'Shaughnessy; Richard Power; J. O'Connor Power; J. O. Redmond; Thomas Sexton; J. F. Smithwick; A. M. Sullivan; T. D. Sullivan."

A very large number of these, your Lordships are aware, are persons here charged. I suppose this manifesto escaped the attention of the lawyers defending Mr. Parnell.

Then there is a speech delivered by me in Manchester after I came out of prison in 1882 which as it was not delivered in Ireland I will not trouble your Lordships with. It is reported in the "Manchester Examiner," May 22nd, 1882, and published also in the "Freeman's Journal." Perhaps I am troubling your Lordships too much if I might be allowed to read this extract as it appeared in the "Freeman's Journal."

(The President.) Certainly.

(Mr. Davitt.)—

"It is heartrending to think that were it not for the excesses of the past year the cause of justice would by this time have triumphed, and Ireland would

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“ stand to-day in the position of a victor in her own cause and that of humanity
 “ also. Had the promptings of revenge not frustrated the plans of the Land
 “ League, Irish landlordism could no more have withstood the forces of that
 “ our plan of action had arrayed against it than could a rotten hulk rigged with
 “ match box spars and tissue-paper sails bear up against the fury of an equinoctial
 “ gale. As for the other class of outrages that have stained the record of our
 “ country during the same period, no language is sufficiently strong with which
 “ to reprobate and condemn them. As to the individuals who perpetrate these
 “ horrible brutalities, whether actuated by the incomprehensible motive that
 “ could prompt a tenant farmer to perform them, or by the worse design that
 “ could unite the degraded instruments of Irish landlordism to their perpetration
 “ for the purpose of bringing odium on the cause of Irish land reform, no difference
 “ of opinion can exist in Ireland or England as to the punishment which such
 “ crimes deserve. The wretch who is capable of such monstrous barbarity
 “ towards a dumb and inoffensive beast, places himself beyond the pale of human
 “ sympathy, and merits being branded with some indelible mark of popular
 “ execration that should point him out for ever to his fellowman as infamous and
 “ detestable.”

Then there is a meeting in Cardiff—the Cardiff Land League, November 1883. I do not know whether that was reported in the “Irish World,” there it would scarcely be fair to read it.

(*The President.*) Where did you get it from yourself?

(*Mr. Davitt.*) From the “Cardiff Mercury,” I think. I have only the extract. It was the “Cardiff Mercury,” or the “South Wales News.”

Then, my Lords, at volume 5, page 3848, I think of their evidence, there is my letter condemning dynamite, which was read, and it is not necessary I am sure for me to read it again.

Then a meeting at Wexford, I find in “United Ireland,” 14th November 1884. I do not think that has been referred to here—it is a short extract. I go on to say:

“ Then, where cool heads and a persevering spirit were alone required to
 “ secure the conditions of unquestionable success, the Government was afforded a
 “ pretext to sweep down upon our ranks and snatch Irish landlordism for a time
 “ at its merited doom. How was it enabled to do this? By the wild impulses of
 “ revenge giving it the pretext it required. I contend that every shot fired
 “ previous to the suppression of the Land League passed clean through the body of
 “ that organization, ere reaching that of landlord agent or land grabber, and that
 “ every murder that has taken place since that event has put an additional nail in
 “ the coffin of the League. This is the force which suppressed the Land League—
 “ the feeling of revenge on the part of reckless men overcoming that of calm and
 “ persevering determination as the party of the country.”

Then there is a meeting at the National League, Dublin, reported in the “Freeman” of the 3rd February 1886, and I think that has been read.

Then there is a Castleisland speech which was read I think, and it will be found on the minutes, which is referred to also by Inspector Davis the witness on the other side—an attack upon moonlighting.

Then I was in America in 1886, and my speech has been more than once quoted from, and also what I said at the Convention; and I will now leave my speeches by quoting from the “Times,” from November 22nd, 1886, page 6, column 4.

“ We have received the following telegram through Reuter’s Agency.
 “ Mr. Michael Davitt, New York, Nov. 21. It is reported from Detroit that the
 “ friends of Mr. Michael Davitt believe that a conspiracy is on foot to murder him
 “ owing to his having opposed the measure of the Rossa faction.”

Then, my Lords, I think I have established, even out of my own speeches, that the “Times” in saying that not a single speech had been delivered by the persons charged here; or in the Land League we were declared by the “Times” not to have delivered one speech in denunciation of crime. Whoever instructed the Attorney-General to make that charge, had deliberately overlooked the hundreds of speeches delivered from 1879 to 1886, in which the leaders, both local and national,

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warned the people against crime, and pointed out that crime and outrage were enemies of the cause. I do not deny, my Lords, but that prominent and responsible Land League leaders have occasionally made speeches which contained expressions that would be reprehensible if the words employed could be interpreted apart from the speaker and his general character as a public man. And I will say that even with this qualification there can be no excuse for some of the sentiments uttered by some of the persons charged, myself among the number. These faults arise from the readiness with which Irish public men make their speeches, and owing almost entirely to the fact that men who are young and ambitious in the oratorical line, mount a platform and face an audience and boast afterwards that they never gave a thought to what they had to say on the subject discussed until their turn for speaking arrived. To calmly think out or write out beforehand what to say, and how best to discharge the responsible duty of a public speaker, is not, I regret to say, a practice that finds favour with Irish speakers. A fluency of speech, added to fervency of feeling or imagination, and a weakness for popular applause, are the explanation of most of the objectionable expressions found in the speeches reviewed in this Court. Some of these expressions are so manifestly stupid, and so utterly devoid of that wit which sometimes enables an Irish speaker to say nothing in a pleasing manner, that absence of sense in what is said is in itself indicative of absence of motive of any criminal purpose or intent in the speaker or his words.

But on the other hand, consider how few speeches of mine, or of Mr. Biggar's, or of Dr. Tanner's, or Mr. Harris's, or of Mr. Parnell's have been relied upon by the "Times" as a foundation for their sweeping charge. Mr. Parnell has said in his evidence that he must have delivered over 500 speeches during the Land League period, in and out of Parliament. I think I am within the mark when I say that not 20 of those were quoted from by counsel for the "Times" in this Court.

I have probably delivered a thousand speeches in Ireland, Great Britain, United States, and Canada, from 1878 to 1887, and if I do not reckon the speeches which I have myself had reference made to here, I am safe in saying that not a dozen of these 1,000 speeches have been adduced in evidence against me.

Mr. O'Brien's, Mr. Dillon's, Mr. John O'Connor's, Mr. Biggar's, Mr. Harris's, and Dr. Tanner's speeches, and the other persons charged, have likewise been numerous in their respective political careers, and the same remark applies to the small proportion of such speeches read or referred to here against them.

I hold therefore, my Lords, that it is not in accord with any canon of justice or fair play to condemn public men, and brand them as constantly inciting people to the breach of law, and as never denouncing or advising against outrage or crime, because in one or two per cent. of their speeches their words are reprehensible and their sentiments appear to savour of violence towards some members of the community.

I need not, I am sure, dwell upon the tendency there is in times of political excitement to public men and public writers too to overstep the bounds of prudence. This tendency is common to every nation, but particularly to peoples who suffer wrong or injustice, and who feel keenly upon subjects that are dear to them.

These circumstances are justly and wisely considered when philosophic criticism is afterwards brought to bear upon the words and acts of such periods and circumstances, and judgment is always pronounced in the light of reasoning, allowance, and extenuation.

As so much is sought to be proved by the "Times" from the speeches that have been brought under your Lordships' notice, I may be permitted to strengthen my argument with a few samples of the oratory of even the recent past in which crimes of the most reprehensible character are sought to be attributed as effects to the language of eminent men.

I will read a quotation from the "Quarterly Review" of 1867, where Mr. John Bright is charged with having incited to the assassination of landlords. It says:—

"Had Mr. Bright succeeded in enlisting the democracy of England and of Ireland together under his banners he would have been indeed a formidable power in the State. As it is the prosaic positive character of English ultra Liberalism, and the fiery and imaginative turbulence of the Celt, have refused

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“ to amalgamate. But this incapacity of assimilation has not prevented Mr. Bright from using language as atrocious as ever disgraced O’Connell in his worst days. In a letter to some political friend at Exeter he had the malignity to insinuate that ‘if Ireland were a thousand miles away from us, all would be at once changed, justice would be done, or the landlords would be exterminated by the vengeance of the people.’ ”

Surely no one charges Mr. Bright, no matter what he wrote or said, with having the slightest sympathy with assassination, or anything of that kind.

Then, my Lords, I find in Hansard, volume 199, columns 88 and 89, a speech of Lord Beaconsfield, then Mr. Disraeli, in which he attacked a gentleman who had held office in Ireland, and charged him with preaching confiscation. I will read one passage from the speech :—

“ The people of Ireland had to choose between a sham Fenian and a real Fenian ; and it is astonishing what a preference is always given to the genuine article. But now I must call the attention of the House to what occurred when the Government candidate was defeated though he had pledged himself to all those revolutionary doctrines. All this time, especially from the period when Lord Stanley delivered those observations which I have quoted, horrible scenes of violence had been occurring in Ireland. Landlords were shot down like game ; respectable farmers were beaten to death with sticks by masked men ; bailiffs were shot in the back ; policemen were stabbed ; the high sheriff of a county going to swear in the grand jury was fired at in his carriage and dangerously wounded ; households were blown up and firearms surreptitiously obtained.”

All this time, my Lords, the Government would not move, but the moment the Government candidate was defeated on the hustings—a Government candidate pledged to confiscation, pledged to a course of action which would destroy all civil government—the moment that occurred there was panic at the Castle, there was confusion in the Council ; the wires of Aldershot were agitated ; troops were put in motion, sent across from Liverpool to Dublin, and concentrated in Waterford, Tipperary, and Cork, and all this because the candidate who was prepared to support the Government had lost his election. And, my Lords, the candidate in this instance who is thus denounced was the late Sergeant Heron, who had been law adviser to the Castle in Dublin. Well, surely a man who had held that position could not be guilty of approving these doctrines referred to by Mr. Disraeli in his speech. In fact this exaggeration of language is not confined altogether to Irish Land League orators.

Then, my Lords, I was going to refer to a letter of Professor Stuart Blackie in reply to an attack made upon him by the “ Scotsman,” for having said that he sympathised more with the Irish peasant than with the landlord who was shot, but I will not inflict the letter upon your Lordships.

Now, my Lords, with reference to the charges of the “ Times ” as to the crimes imputed to the Land League, and with regard to what I have stated in my remarks in refutation of that charge, it is at least on record that I was arrested in 1879, and charged with making a seditious speech ; that Mr. Parnell and others were subsequently prosecuted ; while in 1881, no less than a thousand Land Leaguers were put in prison, without trial, it is true, but still their imprisonment was meant to be a punishment for their Land Leagueism ; and all this will represent to the ordinary public, though not to your Lordships, some possible degree of criminality in the organisation which is again on its trial, but this time in England. I do not know, not being a lawyer, what the test of legality is in political agitation ; and my experience gained in several contests with the law which we have administered to us in Ireland is not such as will enlighten me very much on the point, or cause me to hold such law in anything like reverence or esteem. In 1879 I was arrested and charged before a magistrate at Sligo for having made a speech, which was alleged to be seditious, and that I was engaged in a conspiracy which had for its object the setting of class against class in Ireland. I faced the charge. But the administrators of the law failed to stand by their accusations. The Tory Government of the day fled from the prosecution. What inference was I, what inference were the people of Ireland in whose behalf I had made that speech, to draw from the abandonment of my prosecution ? What inference but this, that my words in denunciation of landlordism at the

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Gurteen meeting and my acts in organising the agitation for the abolition of that system, could not be proved by the Crown to be illegal. Twelve months rolled by, and within that brief period the powers of the Land League had been built up to an extent probably never before reached by a popular movement in these three countries. Nearly the whole Irish race upheld it, and endorsed its principles and plan of action. The never-failing folly of the House of Lords came to the assistance of the League by rejecting the Compensation for Disturbance Bill, and many people who had hitherto held aloof from our organisation joined its ranks. Once again the Government of the Castle tried its hand at a prosecution. The entire executive of the League, with other members, were indicted. The detestible law of conspiracy was again brought into requisition. Mr. Parnell was thereby sought to be made responsible for the words of Scrab Nally, and P. J. Gordon, as here again in this Court the same words and speeches nine years later have been inflicted upon your Lordships' attention. This State trial endured for 17 days, and when the case was finally submitted for the arbitration of the jury—a jury carefully scrutinised in the history of the prosecution—what followed? Ten out of the twelve jurors favoured an acquittal of the League of all the charges, and only two a conviction. The Land League underwent these tests, and was not condemned. It was submitted its origin, object, rules, speeches, meetings, and acts of its members to the ordeal, even of the law of Ireland, and the Land League triumphed over the Crown in the contest. The Irish people looked on as interested spectators. What conclusion were they to draw except one favourable to the legality and constitutionalism of an organisation which the trained legal ability, the power and the purse of the Government of Ireland had failed to convict of any infringement of even its partisan-made laws.

• Then, my Lords, what followed? A promise of legislation it is true, a promise which, if made in 1879 when my prosecution was decided upon, would have quieted the country and averted subsequent troubles both for Government and country, but a promise of legislation accompanied by a resolution on the part of the then Liberal Government, to resort once more to the suicidal, the idiotic system of coupling coercion with concession, of giving stick along with toffee to a people who had beaten the Government in a fair stand up constitutional battle for land reform. What the law had failed to do was to be carried out by force. The League which had taught a duty to Imperial statesmanship, which had compelled Parliament to apply a remedy to the partial redress of admitted injustice, was to be suppressed at the arbitrary will of a Lord Lieutenant by the imprisonment, without trial, of its leaders until such time as the man who "reasonably suspected" them of illegality, should please to restore them their liberty. This was simply converting law into anarchy, and was thereby sowing the seeds of future violence, and outbreaks which but too surely followed as effects from causes.

The following words spoken about this time by one who had been the earliest and most bitter of the foes of the Land League, I here adduce as a testimony to the crime-provoking policy which was then put in operation in Ireland by the Government. I refer to a speech delivered in Manchester in January 1882. I find it reported in the "Irish World," of the 28th January 1882, a speech of Lord Randolph Churchill, in which he charged on the Government in Ireland the responsibility for all disturbances that had taken place. Probably that description of it will be sufficient for your Lordships. And, my Lords, I assert here that no matter what the subsequent regrets of those who administered the Government of these countries in those days may be that it is owing to their short-sighted policy and to their neglect of the warnings given to them by Mr. Parnell and others, is due the unhappy occurrences that followed in Ireland, and which forms so large a part of your Lordships' duty to investigate. Lord Randolph Churchill may not have used this language for pure love of Irish law and order, but uttered as it was seven years ago, when the policy of coercion and imprisonments without trial were working their logical consequences in the minds of maddened men. I claim this testimony of a hostile witness in support of my defence and my contention, that the outrages, crimes, and conspiracies, which followed the application of Mr. Forster's law, by which men were arrested and imprisoned without trial to have been the legitimate offspring of the Government policy which substituted force for law, when law had fairly failed to convict the League of illegality. I assert here that, no matter what their subsequent regrets may have been, no matter how much these eminent statesmen may now be labouring to apply a full and fair

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remedy to the ills of Ireland, it is the men who set the law of the land aside in 1881, and placed the despotic will of one man above constitutional tribunals who ought to be here on their defence instead of Land Leaguers, for it is on them and their advisers, and not upon us, that impartial history will place the moral responsibility for many of the most serious of the unhappy occurrences which the Court has been investigating.

And now, my Lords, I come to a stronger anomaly still in the test of legality to political agitation. Seven years had gone by since the Land League was suppressed. Many of the sad events of 1881-2 were fading from the public memory. Time had calmed down the passions of the Irish peasantry, and had brought conviction to the minds of eminent public men which precluded any future application of coercive measures to Ireland by at least one of the two great English political parties. A policy of conciliation had been put forward in the name of English justice which appealed at once, and with overwhelming force, to the Irish race which had upheld the Land League. It was not a policy that could fully satisfy all Irish Nationalist aspirations, but it came accompanied by an expression of goodwill towards, and of confidence in, the people of Ireland, from those who had previously coerced us, that we at once accepted this proffered hand of friendship, forgetting that it was the same hand which turned the keys of Ireland's prisons upon 1,000 Leaguers a few years before. And what was our reward? Again the ordinary law of the land—this time the law of England—is set aside, and an extraordinary court is set up in order to enable a newspaper to fulminate against 64 members of the Imperial Parliament charges which, if true, or if believed to be true by the Government or the responsible law officers of the Crown, should have formed the subject of criminal prosecutions before the ordinary tribunals of the country; or, if believing the charges to be true, they failed to vindicate the law, they were traitors to their oaths and obligations.

My Lords, a man like myself, who is commanded to respect law in Ireland, may, I hope, be pardoned if he confesses, after these experiences of the last ten years, to some difficulty in discovering wherein the respect is merited. The laws which I am commanded to respect are laws that operate to my protection or advantage only while they are not availed of for the purpose of winning additional laws for the good of Ireland. When the right of public meeting, of free speech, of combination is sought to be exercised for the promotion of reforms which the vast majority of my countrymen deem to be just and necessary, the law which entitles me to the exercise of these, is superseded by a law that makes it illegal for me to do so; and I am imprisoned to-day for saying and doing what on yesterday I had as much a right to do and say as Her Majesty had to her Crown. And, then, my Lords, the most comical of comments is next made upon this system of law-repealing laws by the circumstance that when I under go my legal penalty for infringing the law of to-day by keeping the law of yesterday, I am still denounced and condemned as a criminal, I am charged over again with everything I have done against the laws of both days, and compelled for near nine months to defend myself under another law which enables a newspaper to so charge and put me on my trial.

My Lords, I suppose I do not understand all this because I am not a lawyer. But if I look at the thing from the point of view of common sense, I am still made to understand why I am here on my trial. If I accuse myself of having started the Land League for the purpose of destroying Irish landlordism and try to make out that this is the why and the wherefore of the prosecutions and imprisonments of the last ten years, and the explanation also of this tribunal, I am compelled to reason with myself in this manner. If the proposed up-rooting of Irish landlordism be an evil or criminal design, if the abolition of Irish landlords be what the Attorney-General in subdued tones has termed a scheme of a revolutionary character fraught with terrible consequences. I beg to claim the Government of the Attorney-General as my allies in this alleged nefarious design. The Land League conspirators had according to the Attorney-General, one end to reach through a certain means, namely, an independent Ireland, to be won by the uprooting of England's territorial garrison in that country. If this be true, if this was the only obstacle between the alleged conspirators and their ultimate goal, then I contend that every Tory who has supported Lord Ashbourne's Act is an accomplice of mine in my alleged scheme for an independent Ireland. The substitution of the tenant for the landlord as owner of the land,

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or as the "Irish World's" programme in 1879; it was also that of John Devoy; it was that of "Transatlantic"; and if this then revolutionary proposal was considered by American Fenians to be the all essential and all sufficient means for the obtainment of Ireland's complete separation from England and if this was then my object, and those men my allies, as alleged by the "Times," then I can now discard Devoy and Ford, and take as my unwilling confederates the members of Her Majesty's present Government, while I can adopt as my new "guide, philosopher, and friend," the editor of the London "Times," instead of the editor of the "Irish World."

I do not for a moment desire it to be understood, nor will your Lordships, I am sure, judge me as defending the acts that have been committed against individuals connected with landlordism in Ireland during the last ten years. To defend the outrages great or small that have been perpetrated during that or any other period of our unhappy history would earn for me the condemnation of any such tribunal as that which I am now addressing. My contention is that these occurrences were incidental to the land system of Ireland; that over and over again we see a recrudescence of agrarian crime in the most intimate association with the exercise of landlord power; and I ask your Lordships to attribute these deplorable deeds to the working of the system that has always bred them, and not to a movement with which they have had but the connexion of coincidence. The allegation that these acts of violence were due solely to the language of agitators ought to weigh as little in the balance of impartial judgment as the authenticity of the Pigott letters do now in the minds of your Lordships. Agitators are doubtless a wicked class of public disturbers, without whom, in the opinion of our accusers, these islands would be peaceful landlord paradises, where rent-paying would be a moral virtue and a public pleasure, with a happy people who would be additionally blessed with but one daily paper, which would have Mr. Macdonald as manager. But, as the "Times" or the Attorney-General have not had the moulding of Irish human nature in their hands, the feelings, and resentments, and passions of a people suffering what they consider injustice, must be accounted for by other tests and causes than those which interest or prejudice may dictate. Lord John Russell, in dealing with the subject of agitators in his "Speeches and Despatches," page 220, vol. I., says:—

"Nothing can be more false than the opinions of those who maintain that agitators can, easily and without cause, excite the people to tumultuous and seditious practices. So far is this from being the case, that the disposition of every people is naturally hostile to agitators; indeed, it is so strangely in favour of government, that the general mass of a country never can be induced to see abuse until it becomes intolerable, or be persuaded to take measures of precaution against a contingent loss of property and liberty; nay, more, they will frequently even submit to the greatest evils of misgovernment before they venture to utter one word in their own behalf."

I claim, my Lords, for the Land League, that its teachings and its action have been beneficial to Ireland; that they have been factors in inducing the Legislature to attempt to settle upon a more just basis than existed previously the conditions of agricultural tenancy in Ireland; and I further claim and assert that, if the Land League parliamentary programme of April 1880 had been accepted by the then Government, or had induced them even to introduce the measure which came as usual too late in 1881, that Ireland would not have witnessed the disturbances and the violence which are on record for that and subsequent years.

I think it will not be denied, even by the "Times," that the agrarian legislation of 1881 was the result of the movement of the Land League. The party opponents of the author of the Land Act of that year have said this over and over again. The Bill was not all which the exigencies of the situation in Ireland demanded, and it could not be a final solution of the problem. This Mr. Parnell and his colleagues pointed out repeatedly while the measure was passing through Parliament.

I deem it important to my argument to read at this stage some resolutions that were adopted and published by the Roman Catholic hierarchy of Ireland on the eve of the introduction of the Land Act of 1881. The resolutions are short ones, and speak for themselves. They were given to the public over the name of the late Cardinal McCabe, a Prelate of well-known Conservative opinions upon Irish questions.

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I find these remarks in the "Irish World" on the 26th February 1881, page 1; they must have been copied from the "Freeman's Journal":—

"Declaration of the Catholic Bishops."

"A general meeting of the Catholic Bishops of Ireland was held at Maynooth College; the following resolutions were drawn up:—

"First. We feel constrained by a solemn sense of our obligations to declare
"once more that the present state of the land code in Ireland is intrinsically
"dangerous to the peace and happiness of our people; and that mutual con-
"fidence between the various orders of society can never be firmly established
"till our land code shall have undergone a searching and thorough reform.

"Second. That being thus convinced of the necessity of such reform we
"deprecate all faltering legislation on this vital question, and we hereby record
"our conviction that such legislation, no matter how well-intentioned, so far from
"allaying the universal discontent will intensify existing evils and lead to a
"prolonged and angry agitation.

"Third. That our confidence in the good sense and generous feelings of our
"flocks being unshaken we are persuaded that the immediate introduction into
"Parliament of a Land Bill framed on principles of justice to all existing rights
"would be the signal to call back peace and a sense of security to all classes;
"and that we cannot refrain from giving expression to the fears entertained
"by many that should order some to resign by the power of coercion, the branch
"of the Legislature which is regarded as unfavourable to popular rights, may
"either totally reject or substantially nullify any land measure of practical
"utility submitted to its consideration, a result which we cannot contemplate
"without serious alarm.

" + EDWARD, Archbishop of Dublin,
" Chairman."

Now, my Lords, the impression is that if warnings addressed first by the Land League in the programme of 1880 by Mr. Parnell from scores of speeches, and reiterated here by the hierarchy of Ireland, speaking through one of its most respected and most moderate members; if these warnings had been heeded by the Government, and if suggestions and ideas put before the Government by men who visited Ireland and understood its people; if these warnings had been listened to, and these suggestions had been taken, and if the Land Act of 1881 had been earlier introduced on the line suggested by these moderate men of Ireland, your Lordships would not be troubled to inquire into what occurred in Ireland in that year. Imperfect in many important points, such as the protection of tenants' improvements from rent, failure to admit leaseholders, failure to provide for arrears, absence of provision for labourers, and advance of only a portion of the purchase money, and above all liability to break down owing to its own weight, intricacy, and cumbersomeness; yet it was a great step in advance, a most important attempt by the Government to do justice and prevent oppression. Mr. Parnell, though he despaired of any important modification that session, or even that the Bill as it was introduced could be saved from further deterioration and mutilation, yet he endeavoured, by consistent amendments upon important points, to make it more effective for the objects in view, while, at the same time, he took care to avoid too much or too tedious discussion, which might have endangered its passage. He did not, however, feel that he could undertake any responsibility as to the ultimate effect, or accept it as a final satisfactory settlement. His idea, in short, was to try and make it a better measure. After the first reading he summoned a convention of the Land League, and laid his views before them, and persuaded them to adopt them in the main, although many of his most important colleagues in and out of Parliament seriously differed from him and desired to have nothing to do with the Bill. These men saw clearly the great shortcomings of the measure, and boldly demanded a settlement which should be final, they holding views probably as radical as my own. I was then in prison and felt that it would be better for the interests of Ireland and better for the sake of peace to stand out in favour of a complete and final settlement of the land question, a settlement based upon the Land League programme of 1880; and hence while Mr. Parnell endeavoured

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along with the moderate members of his party to make the measure a good measure, take it for what it was worth, and improve it if possible in Committee, several other members of the Land League, his parliamentary colleagues, stood out for a radical and final settlement of this great agrarian question.

Now, my Lords, what I propose to do, in order to explain the action of Mr. Parnell and the Land League during this time, that is, during the year 1881, is to quote almost entirely from some speeches delivered by Mr. Parnell at two Land League Conventions held in April and September 1881. I do not think that those speeches have been produced here. My object is, of course, to show that during that year while the Legislature was attempting in this halting manner to settle this Irish land question, Mr. Parnell and the Land League were anxious to facilitate the work of peace in Ireland. They were desirous of first trying to persuade the Government to bring in a final and satisfactory settlement such as we understand is to be introduced next year or the year after; and, failing that, Mr. Parnell's object, as explained in his speeches inside and outside the House of Commons, was to make the Government measure a better measure.

Well, I will endeavour to make my quotations from these speeches (they are not many—four or five, I think) as short as possible, because this is the only way which I have of defending the Land League against the charges made against it for what occurred in Ireland that year. All this time of 1881 I was in Portland Prison, and I am sorry to say that since I came out of prison in 1882 my life has been so busy I only began to read the history of 1881 since this Commission opened.

On Thursday, April 21st, 1881, Mr. Parnell called the Land League Convention, which assembled in Dublin. Mr. Parnell was in the chair. I think it important to read a summary of the proceedings, including Mr. Parnell's opening speech.

(*The President.*) Where do you get that from?

(*Mr. Davitt.*) From the "Freeman's Journal," April 21st, 1881:—

"I wish to congratulate the gentlemen who have assembled upon the fulness
" of the attendance, and the representative character of this meeting. The
" business before us to-day is of a very important character. You will have to
" decide two matters, both of them of the greatest magnitude."

I may remark that there would probably be a thousand or more delegates present at this convention from all parts of Ireland representing all the branches which existed:—

"I cannot recollect a period in the history of Ireland upon which so much
" connected with the future welfare of the country depends, and I feel sure that
" the members of this most democratic convention, elected upon true democratic
" principles, will bring to their task full sense of the great importance of the work
" in which they are engaged, and that at this, the first representative assembly
" which has been held in Ireland during the last hundred years, we shall be able
" to show to the world, amongst other things, that the Irish people are fully fitted
" for the great duties of self-government. I said awhile ago that we shall
" have to decide two questions of the greatest magnitude. The executive of the
" Land League, at a meeting of the League on Tuesday week, was directed to
" draw up a report upon the Land Bill, for the purpose of presentation to the
" convention. That report has been published in all the morning papers to-day,
" and I trust that most of the members of the convention here present had an
" opportunity of reading it. The report is confined to a criticism of the details
" of the Bill, but in shaping the report in that way the executive did not seek to
" withdraw in the slightest degree from the control of the convention the duty
" of deciding as to the principle of the Land Bill. It will be, therefore, for this
" body to decide whether you will accept the principle of the Land Bill or not—
" whether you will recommend your parliamentary representatives to vote in
" favour of the measure, or to take some other action in reference to it. That
" point having been decided, in the event of your tolerating the Bill, it will be
" your duty to consider the details of the measure, and the various amendments
" which you would in that case desire to have pressed upon Parliament, so far as
" I would venture to express any opinion, at the present moment without pre-
" viously hearing the views of the many influential leaders of public opinion who
" have assembled to-day from all parts of the country. I would say that

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“ upon the result of the success of the amendments which must be proposed in
 “ committee, should, in my opinion, very largely depend the action of the
 “ Irish party with regard to the rejection or acceptance of the measure at
 “ some future stage. In speaking of the matter from this point of view we are
 “ bound to take into consideration what may be the probability of success of any
 “ amendments that may be proposed by the Irish Party. It would be entirely too
 “ late to wait to report the Bill until it has gone into committee; usually speaking
 “ in Parliament amendments on the Committee stage of the Bill are long before
 “ the Bill reaches committee, and it will be possible on the second reading, and
 “ on the motion for going into Committee, to predict with tolerable accuracy as to
 “ which amendments the Government are likely to accept, and which of them
 “ they are likely to reject. Now certain resolutions will be put before you as a
 “ preliminary for the discussion of the Bill, certain resolutions which have been
 “ prepared by the executive.”

Then there is a resolution dealing with my imprisonment which is not germane to my argument.

Mr. Justin M'Carthy proposed :—

“ Whereas the introduction by the Government into Parliament of a Bill
 “ purporting to amend the law relating to the ownership of land in Ireland is a
 “ proof that the law as it exists is unsatisfactory; and whereas the present under-
 “ taking of the Government to amend the law was to a considerable extent
 “ brought about by the men now detained in prison without proof of guilt,
 “ or even prospect of trial, we hereby congratulate these men for the part they
 “ have taken in carrying the land question within measurable distance of a
 “ settlement, and we assure them that a grateful country will not forget their
 “ services or their sufferings.”

Mr. Parnell further criticised the shortcomings of the Bill, and ended his speech by saying :—

“ Now, the ultimate result, in my opinion, of this Bill must depend upon two
 “ unknown quantities, first of all the *bona fides* of the Government with regard to
 “ the proprietary and reclamation clauses, and also their *bona fides* with regard to
 “ the reducing of rack-rents throughout the country, and secondly the amount of
 “ determination which the people of this country continue to show, and the
 “ completeness of the organisation which they continue to maintain. If you think
 “ that your battle is won, and that you can in the slightest degree cease from the
 “ exertions that you have been making during the last year or two, you will
 “ bitterly regret the delusion. Depend upon it that the action, the way in which
 “ this Bill will be worked out by the Government, will depend very largely upon
 “ yourselves. The Government of England must settle this question in the
 “ way that will be more or less satisfactory to the Irish people. They must
 “ settle this land question or they must give up their title to govern Ireland.
 “ (A voice: ‘That’s the talk.’) They will undoubtedly attempt to settle it in
 “ accordance with your expectations, and therefore the extent of the settlement
 “ will depend entirely upon what you think you ought to get. I will now call
 “ upon Father Tormey to move the resolution.”

Then another resolution was read :—

“ The Rev. Dr. Tormey, C.C., Painstown, Co. Meath, proposed :—‘ That the
 “ ‘ report just read be adopted by this convention, and we call upon the members
 “ ‘ of the Irish Party in Parliament to take the necessary steps to carry into
 “ ‘ effect the amendments recommended in it.’
 “ The conference adjourned until 6 o’clock until to-morrow.”

(The President.) I must say, Mr. Davitt, that I do not think we get any assistance from this.

(Mr. Davitt.) Very well, my Lord, in that case I will pass it by. I only wish to show by speeches and the resolutions that, as I said awhile ago, while the measure introduced by the Government was not all that men competent to speak in Ireland thought should be brought forward, or what was adequate to the settlement of

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the question; nevertheless, Mr. Parnell did honestly endeavour to make the Bill such a measure as would quieten down the country and rid the tenantry of future apprehensions of eviction, and in that way remove all incentives to violence and crime.

Well, I was going to observe, that about this time Mr. John Dillon, who had, I think, succeeded Mr. Thomas Brennan as secretary of the Land League, was arrested. Mr. Andrew Kettle, another prominent Land Leaguer, was also arrested, and several other men well-known in Ireland by the people, were imprisoned without trial. Then, my Lords, the Land Act became law, as your Lordships are aware, in the session of 1881, and the amendments which Mr. Parnell's party brought forward were nearly all rejected, especially one associated with the name of Mr. T. M. Healy. The clause under that name was inserted in the Bill in the House of Commons, and it was rejected in the House of Lords, and that action has led to a great deal of discontent ever since in Ireland. Our contention is that if the tenants' improvements had been protected in the Bill as the House of Commons desired that they should be protected, that a good deal of trouble and discontent and annoyance, and all the rest would have been saved Ireland during the last seven or eight years.

The rejection by the House of Lords of these amendments meant that the tenants were to continue paying old rents, called rack rents for a long time, because the land courts could not immediately face the task imposed upon them by the Legislature, and adjudicate between landlord and tenant upon the question what was a fair rent for the tenant to pay. If the amendments proposed by the Irish party had been accepted by the Lords, the moment a tenant farmer would lodge an application to have a fair rent fixed he would protect himself from the execution of the old rent on the part of the landlord.

Then, my Lord, there was a second Land League Convention of 1881, which was held in September, and Mr. Parnell presided. Some thousand or two thousand delegates were present, and the speeches and the resolutions are found in the "Freeman's Journal" of Friday, September 16th, 1881, and I think the following day. I had intended reading from these speeches and these resolutions, as in the case of the last Convention, but your Lordship's observation causes me to pass them by, by simply observing that on this occasion Mr. Parnell wanted a number of test cases to be brought before the land courts, with a view of pointing out to the land courts and to the Legislature the consequences that were predicted would ensue from the action of the House of Lords with reference to the Bill. Then it has been contended here by Mr. Parnell himself in the witness-box and by counsel on his behalf, that if his plan of the test cases had been carried out a great deal of trouble and a great deal of discontent would be saved, and the country would to that extent have been quieted down; but there is just one expression in one speech by Mr. Parnell at this second Convention of September 1881, I will, with your Lordships' permission, read:—

"I consider that the conduct of the movement in Ireland during the present winter will take all my time and energy and all the time of my colleagues, and of the most able assistants that I can get for it throughout the country. Since my return from London I have seen many things which need immediate attention and reform and connexion with the management of the central office of the Land League."

I think it well to read that from Mr. Parnell's speech on that occasion. As your Lordships are aware he was arrested three or four weeks after this Convention and imprisoned in Kilmainham, and had not consequently the opportunity in conjunction with the executive of the League to carry out his policy with reference to the test cases. As these words of Mr. Parnell's show, it was evident that there were many things in connexion with the central office of the League at that time which he thought needed looking into, and I am sure that if he had not been arrested, if he had been permitted to have remained at the head of the League organisation that these irregularities whatever they were would have been remedied, and that Mr. Parnell's strong directing mind would have prevented anyone in the name of the League either an employé or an organiser from resorting to any action otherwise than legal, and what he approved of.

Then, my Lords, I come to the No-Rent Manifesto. The arrest of Mr. Parnell and others of his colleagues after this convention was considered a very high-handed

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proceeding on the part of the Government in Ireland, and the immediate response from Mr. Parnell was the No-Rent Manifesto which was sent out from Kilmainham. My name was attached to it, and let me say that the only concern this ever gave me was that as I had given my word to the Governor of Portland Prison, where I was then confined, when he granted me the privilege of writing in my cell, not to send or attempt to send any written matter outside the walls except through his hands, I felt called upon when questioned about my signature to the No-Rent Manifesto to say that I had not signed any such document. Of course I could not, under the circumstances, sign it, but Mr. Thomas Brennan, who had been secretary of the Land League, and a personal friend and a very intimate friend of mine, undertook the responsibility of attaching my name to the document. Of course I never called the act into question or found fault with it, but it has been insinuated, I think, either in "Parnellism and Crime" or elsewhere, that Mr. Parnell had attached my name to the document. It was not Mr. Parnell. It was Mr. Thomas Brennan. Mr. Parnell, my Lords, has avowed in the witness-box that he is willing to bear all the responsibility attached to the issuing of the No-Rent Manifesto, and so I am certain are all the others concerned whose names were added to that document. It may have been a wise or a foolish act when looked at now from the retrospect of eight years, but public men treated as Mr. Parnell was treated, lodged in prison as a criminal without getting a fair trial, which the law and the constitution entitle the humblest man in England to receive, would be fit subjects to be trampled upon with impunity if they tamely submitted to such treatment. The immediate suppression of the League was the Government response to the Kilmainham Manifesto.

And now, my Lords, I come in the order of time to the Ladies Land League; and it becomes necessary for me to make a few observations touching that organisation. Only one of those ladies has tendered herself for examination, and she has denied upon oath the charges and imputations made against her by the "Times." Having been in prison from the date of the organising of the Ladies Land League, I cannot speak with great accuracy about the work which the Ladies Land League performed, but I find that in the interview with the "New York World" of July 1882, which is included in Cashman's book, and which interview has been frequently referred to here, I give the following account of the labours of the Ladies League. And with reference to this book, my Lords, let me say this again, though I think I once before said this to the Attorney-General. I am not at all responsible for Cashman's book. It was written while I was in Portland Prison, and it was subsequently published, I think, by Mr. Ferguson of Glasgow in 1883 or 1884, and with it this interview of mine that had been given to the "New York Daily World" in 1882. I had no responsibility whatever for the publication. I am answerable for the interview, but for the book or anything which the book contains, I of course, take no responsibility whatever.

Well, in this interview, I, give the following account of what the Ladies Land League did as it was reported to me by these ladies after my release from prison:—

"The Ladies Land League was started in America by Miss Fanny Parnell.
 "I liked the idea so much that when I returned to Ireland I talked it over
 "with Mr. Parnell and some of the others, and a meeting was called to discuss
 "it."

But I must say here, my Lords, while just breaking off from this interview, that it is only fair to Mr. Parnell, Mr. Dillon, and Mr. Brennan for me to say they were strongly opposed to the idea of the Ladies Land League. They had not the same confidence in the judgment—probably they had in the patriotism, but not in the judgment of the ladies that I had. Therefore, I think it is due to them to say that they opposed the idea; but they allowed myself and Miss Anna Parnell to have our way in the matter. The idea had been set going in America. It was suggested by me when I came back to Ireland, and it was carried out by Miss Anna Parnell, and a number of ladies. Now I return to the interview:—

"In order to attend that meeting Miss Anna Parnell came to Dublin, and
 "the result was that the Ladies Land League was organised. This was done
 "the day before my arrest, and I laughed as I journeyed to Portland when I
 "thought of what a power had been raised up for Mr. Forster to grapple with.
 "There were two objects in view when this branch of the League was established.

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“ First, it would be the medium for all kinds of charity, would support the
 “ evicted tenants and relieve all cases of distress, and, second, it would keep up a
 “ semblance of organisation during the attempted repression which I saw was
 “ coming. I did not believe that the English Government would sit down
 “ quietly under the failure of the State trials, and I wanted to have some power
 “ in existence which could defy them. The Ladies Land League was thoroughly
 “ successful in both objects, and to them is due the credit of saving the Land
 “ League, and banishing Mr. Forster from Ireland. The officers of the Ladies
 “ Land League are: President, Mrs. Dean, the aunt of John Dillon; treasurer,
 “ Mrs. Maloney and Miss O’Leary; secretaries, Miss Anna Parnell, Miss Lynch,
 “ and Miss Stritch. This forms the executive. There is a corps of organisers,
 “ among whom are Mrs. Moore, an American; Miss Reynolds.”

I was wrong in saying Mrs. Moore was an American. She was not an American. She was an Irishwoman. Miss Reynolds was Mrs. Delahunt, who was examined here.

“ Miss O’Connor, the sister of T. P. O’Connor, and Miss Yates.

“ There is a reserve of twenty-one ladies, who are prepared to take the place
 “ of any of the principal organisers who are in prison. They have elaborated the
 “ most perfect system that can be imagined. They have an enormous book which
 “ they call the ‘Book of Kells,’ after an ancient manuscript history of Ireland.
 “ This is a register containing information about all parts of Ireland as collected
 “ by the branches, and collated in the central office. In it there is a record of
 “ every estate, the number of tenants, rents paid, the Government valuation, the
 “ spirit and financial condition of the people, the standing of the people towards
 “ the Land League, the number of people who have paid rent, the number of
 “ evictions which have taken place and the number pending, the character of the
 “ landlord, of the agent, if there be one, and of the constabulary. In fact, it
 “ would be excessively difficult to say what is not in that book. Every week
 “ reports come in from every part of Ireland, which are at once condensed and put
 “ into this book. This is the chief work in the central office.

“THE WORK OF RELIEF.

“ When a notice is received from a branch of a threatened eviction, the
 “ work outside begins. One of the ladies goes down to the place provided with
 “ money for assistance. If possible a wooden house is sent from Dublin, and
 “ erected somewhere in the neighbourhood, for the tenants to move into at once,
 “ the object being, that as soon as they are turned out of one place they go into
 “ another. If the people desire to fight the landlords upon any legal grievance
 “ they may have, or if they wish to prosecute the evicting officers for damage to
 “ stock or furniture, in either event the Ladies Land League furnishes the
 “ necessary money, and instructs its solicitors to manage the case. The Ladies
 “ Land League has organised branches in every county in Ireland, and these
 “ branches supply information and collect funds. An exceedingly important work
 “ has recently been begun by Miss Parnell and Miss Lynch. They have organised
 “ clubs of boys, calling the clubs after some prominent member of the organisa-
 “ tion. These clubs meet once a week, and have the history of Ireland read to
 “ them. You do not perhaps see the importance of this. But the English
 “ Government has discouraged the teaching of Irish history in the schools and
 “ colleges to that extent that few young Irishmen know much about it. Now,
 “ the Ladies Land League has resolved that this state of things shall not continue,
 “ and that the next generation of Irishmen shall know something about their own
 “ country. This work has spread into England, and is now being carried on in
 “ London (by Mrs. A. M. Sullivan), Liverpool, Manchester, Glasgow, and other
 “ places. The executive of the Ladies Land League meets once a week and the
 “ reports prepared by it reach the public through the public press.

“ In order to give you some idea of what this charitable work has amounted
 “ to, I have here a condensed report of the number of families evicted in

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“ the various counties. The report was prepared by Miss Parnell, and is as follows :—

“ Antrim - - -	8	Leitrim - - -	478
“ Armagh - - -	56	Longford - - -	303
“ Cavan - - -	159	Louth - - -	8
“ Carlow - - -	29	Mayo - - -	541
“ Clare - - -	102	Meath - - -	38
“ Cork - - -	177	Monaghan - - -	59
“ Down - - -	16	Limerick - - -	132
“ Donegal - - -	219	Queen’s County - - -	45
“ Dublin - - -	12	Roscommon - - -	122
“ Fermanagh - - -	21	Sligo - - -	58
“ Galway - - -	392	Tipperary - - -	98
“ Kerry - - -	236	Tyrone - - -	115
“ Kilkenny - - -	39	Waterford - - -	31
“ Kildare - - -	8	Westmeath - - -	51
“ King’s County - - -	40	Wexford - - -	46
“ Londonderry - - -	19	Wicklow - - -	25
“ Total - - -	-	-	<u>3,688</u>

“ THE LADIES POLITICAL WORK.

“ According to Miss Parnell these families each averaged in number five and a fraction; but as the officially reported number of persons evicted is greater than those figures show, I imagine, that all the evictions were not reported to the Ladies League. The Ladies League furnished to evicted tenants in various parts of Ireland 210 houses, which, in many instances, the consignees were prevented by the police from erecting. In concluding her report, Miss Parnell gives the following account of the expenditure of the Ladies Land League during the past twelve months :—

	£	s.	d.
Evicted tenants to date - - - - -	20,849	19	4
Families of coercion prisoners - - - - -	5,123	2	0
Families of ordinary law prisoners - - - - -	1,449	11	11
Building - - - - -	9,469	3	5
Providing for coercion prisoners and ordinary law prisoners from December 26, 1881, to date - - - - -	21,637	16	4
Ordinary law prisoners catering from December 26, to date - - - - -	1,603	12	2
Legal costs by Ladies Land League - - - - -	1,508	17	7
Miscellaneous grants - - - - -	187	7	0
Grants made by Land League since its suppression - - - - -	7,542	16	2
Total - - - - -	<u>£69,372</u>	<u>5</u>	<u>10</u>

I will come to my note by-and-by on the point; but I do not know, my Lords, whether there is not an item in Hardcastle’s audit representing a deficit of 70,000*l.* in the Ladies Land League. I am not very sure.

(*Mr. Justice A. L. Smith.*) Yes, that is right.

(*Mr. Davitt.*) Well, here, my Lords, I see that in the public press these statements of expenditure were made in 1882. Evidently by Miss Parnell, from whom I got these facts, and in that way this sum of money was accounted for to the public so far back as seven years ago.

Well, I have thought it my duty, my Lords, to read this about the Ladies Land League from the report of this interview which was given seven years ago. I had facilities then, or had before leaving America, in interviews with Miss Parnell, to learn information about the Ladies Land League from her. Since 1882 I have never had the pleasure of meeting Miss Parnell. I do not know where she is.

There was in this connexion, my Lord, a document produced by Inspector McArdle

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which is claimed to have been issued by the Ladies Land League with reference to the conduct of people at evictions. I do not know whether it is in your Lordships' recollection or not. It was found in the house of some one named Coghlan, I think in Foxford. It is at page 2121; and, with your Lordships' permission, I will end my remarks upon the Ladies Land League by reading that document:—

“ The Ladies Irish National Land League,
“ 39, Upper Sackville Street, Dublin.

INSTRUCTIONS

AS TO

PROCEDURE IN CASES OF EVICTION.

“ When there is reason to anticipate evictions in a district, the local branch of
“ the Land League, or of the Ladies Land League, should report the same on
“ threatened eviction forms, to the secretary of the Ladies Land League in Dublin.
“ A description of the house each tenant is living in, giving the number of rooms, size
“ of same, and whether floors are boarded or not, should be given. As soon as it is
“ ascertained that evictions are actually taking place, whether from the appearance
“ of the sheriff on the scene, or by other means, the local branch of the Land
“ League or of the Ladies Land League, should at once engage lodgings in the
“ nearest town where suitable accommodation can be had for as many persons as
“ it may deem necessary. When the tenants themselves have not carts sufficient
“ for the purpose, care should be taken to have them in readiness to carry away
“ the furniture of evicted tenants, so as to prevent unnecessary injury to it from
“ wet or exposure. Cars should be engaged to remove the families themselves to
“ their destination when the distance and other circumstances render it expedient
“ to do this. Railway fare, car and cart hire, and hire of lodgings, will be paid
“ for out of the funds of the Ladies' Land League. The strictest economy,
“ consistent with efficiency, should be observed, and we confidently expect that all
“ who have it in their power will do what they can, without remuneration, to assist
“ evicted families over their first difficulties.

“ As soon as notice is received of an anticipated eviction, the Ladies Land
“ League will take steps to have a house built for the tenant, so that if possible
“ it may be ready for him to enter same day that he leaves his own. The Ladies
“ Land League calls on all men and women alike, to assist in removing all
“ unnecessary hardship and inconvenience from the operation of eviction, and
“ promises that if the people will do their part of the work rightly they shall be
“ adequately supported. There is no objection to an evicted tenant re-entering
“ as caretaker, but grants are not made to these tenants, except under exceptional
“ circumstances. Care should be taken to avoid collision with armed force, and
“ to restrain useless and irritating attacks on the military, police, and other agents
“ of the law, as these would be made a pretext by the authorities to obstruct and
“ prevent an efficient system of relief for evicted families. Note should be taken
“ of any damage done wilfully or negligently by the sheriff's bailiffs to the tenants
“ furniture or stock, as the amount of such damage can be recovered by legal
“ proceedings, and a criminal prosecution should be initiated for cruelty to
“ animals when the stock is ill-used.

“ By order of the Executive,

“ ANNA PARNELL, General Secretary.

“ CLARE STRITCH, Financial Secretary.

“ N. LYNCH, Assistant Secretary.”

Now, my Lords, I will deal specifically with the imputed connexion between the Land League and the perpetration of outrage. I intended, when planning my observations to your Lordship, to ask your Lordship's permission to read from several acknowledged authorities, views and facts confirming my contention that agrarian crime of all character in Ireland results directly from the enforcement or apprehended enforcement of landlord rights, and that to this is due the responsibility of all the outrages which the “Times” has attempted to trace to the agency of the persons charged and to the Land League. But Sir Charles Russel quoted somewhat liberally from many writers, mainly English, in support of a similar argument; and I will, therefore, not inflict

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any more of the same kind upon the Court, though I had prepared references to Sir George Cornwall Lewis' work, the report of the Devon Commission and a dozen other works. I will pass them all by and only ask permission to read one article or a portion of one article, from the London "Times" which I contend makes my case out completely in this connexion.

The article appeared in the "Times" on the 30th May 1850, page 4. It begins:—

"A murder committed in England is evidence only of individual depravity, exciting more horror in the minds of the public as they read the details of the crime. But in Ireland murder is but too often a proof of some great social disease of some terrible and widespread mischief which is undermining the strength of society itself, portending anarchy and all the terror and misery with which anarchy is inevitably attended, and thus not only exciting horror at the crime itself, but also raising most painful emotions of alarm for the future safety of the social and political institutions under which we live. The murder of Mr. Mauleverer is a crime of this description. It is the hideous result of some most fearful wrong."

This Mr. Mauleverer was an agent in, I think, the county of Armagh. I go on and pass by some remarks not very germane and I come to another part of the same article.

"When, however, the landlord accepts the property, he accepts it with all its difficulties, whether pecuniary or moral, and if he takes the advantage resulting from it he becomes bound to the performance of the duties however onerous attaching also to it. If he declare himself unable to perform these, society ought then to step in, and by the fiat of its will, cut the knot which the unlucky proprietor is unable to solve."

Then I pass on to another portion of the article:—

"In the days of forty-shilling voters, the multiplication of small voters was supposed to be a political advantage, and rents in arrear were useful as a means of coercion. The political necessity has ceased, but the crowded tenantry remains. The result of this condition of things combined with the ordinary habits of Irish proprietors brings before us a reality which no ideal story ever equalled in the misery and crime belonging to it. In this case an agent is employed to deal with the tenants and to rule the estate. The proprietors living at a distance, carefully avoid witnessing the misery which is the heritage of their tenants. They count upon a certain income from their estate. They pay a man to undergo the pain of collecting it, shutting their own eyes and ears to everything but his representations. The agent is bound to produce so much, and this necessity of his condition in time hardens the nature of him who undertakes the employment. The tenants cannot excite his sympathy no matter what may be the tale of sorrow and suffering they relate. His own fortunes depend on his shutting up his heart as regards them. Towards others he is often gentle, humane, and even actively beneficent. The consequences are often terrible. The murder of Mr. Mauleverer naturally excites in every man's mind horror, alarm, and indignation. But that valley beheld not long before a still deeper tragedy, woe unutterable and yet for the acts which led to this more extensive suffering the law has provided no punishment and even the voice of society is mute. The tenantry long in arrear were to be evicted. They were no longer useful as political tools but were the wretched profitless descendants of those who had figured probably as voters but whose children only encumber the land. Mr. Mauleverer, who was evidently an active agent pursued with undeviating sternness the old course of distraint and eviction against these tenants. One the witnesses before the coroner stated 'there were a great many ejectments and notices to quit served by the deceased on the lands over which deceased was agent. As near as I can compute, there were of ejectment and notices to quit 200 in all. These were ejectments brought to evict the interests of a middle man whose lease was dropped.' Of the consequences that followed this last proceeding the coroner himself gives the history. One house was pulled down, but when the hardened

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“ instruments of this reckless pursuit of a sordid interest came to the second
 “ doomed dwelling, the sight of nine helpless innocent and most unhappy babes
 “ met their eyes—they, even they, felt some touch of humanity and turned from
 “ their horrid task appalled, if not softened, by the unspeakable woe which that
 “ scene disclosed. The plain statement of the sheriff suggests by it pregnant
 “ brevity a volume of preceding cruelty. The scene was such as to unman, not
 “ ‘only the sheriff, but the oldest and most unfeeling of his officers.’ A hardened
 “ sheriff’s officer seeing actually before him the misery he was bade to inflict
 “ shrunk in horror from the deed which the distant proprietor permitted, if he
 “ did not in fact command it, to be performed. The coroner is evidently startled
 “ by this unwonted exhibition of feeling, so petrifying is the ordinary course of
 “ duty to which these men are accustomed, but

“ ‘The deepest ice that ever froze

“ ‘Can only o’er the surface close,

“ ‘The living spring lies quick below

“ ‘Still flows, and ne’er will cease to flow.’

“ The coroner who tells the tale of Mr. Mauleverer’s conduct to the poor widow
 “ who asked to be allowed the right to cut turf brings it forward to prove the
 “ kind nature of the deceased. But to our mind it appears in a very different
 “ light. The course of Mr. Mauleverer’s life had plainly deadened all his sym-
 “ pathy with any person who came to him in the character of a tenant. With
 “ respect to them a stern inflexible necessity, the necessity of furnishing so much
 “ rent to his employer, checked, subdued, and at length eradicated all human
 “ sympathy; and that which, because it might do good to a poor afflicted tenant,
 “ he, with a ‘malediction,’ refused her, he flung with reckless indifference into
 “ the hands of the hotel-keeper, McDonnell. The whole scene as it actually
 “ occurred is sad and awful, and will not be easily forgotten in the neighbourhood.
 “ Twenty minutes after he had cursed the wretched widow who offered him her
 “ last penny for the boon she sought, he was a corpse. A compunctious visiting
 “ indeed seems to have immediately followed his brutality, and there was shame
 “ in his heart when he threw the handful of bog tickets to the hotel-keeper,
 “ saying, ‘Give these to whom you like; if you get money for them, so much the
 “ ‘better, if not it is no matter.’”

“ If we turn now to those who suffer under this system, our wonder at this
 “ dreadful tale will cease; but our horror and our shame will be but the more
 “ intense. The judgment of evictions to a tenantry of this description is in
 “ many cases a judgment of death.’

My Lords, this sentiment has been attributed wrongly to an eminent statesman,
 Mr. Gladstone. It is here in the “Times” of 1850:—

“ It is clear that a sentence of eviction is virtually a sentence of death.

“ By his holding the present lines, his potato crop maintains him, and his
 “ family, wretchedly indeed, but miserable as is the pittance on which he lives, it
 “ is derived from his holding. To that holding he clings with desperate tenacity,
 “ and lest he should be evicted he will promise anything. The unfortunate man
 “ can find no farmer near in want of hands and ready to give wages. The grave
 “ or the workhouse is now his only alternative, and this alternative has only of
 “ late years been offered to him. What we ask are likely to be the feelings of a
 “ man cast into the road with his wife and wailing children around him, without
 “ food, without shelter, without hope. Burning indignation in his heart, ignorant
 “ and mad with desperate recklessness, he turns in his anger on the direct
 “ instrument of his misery. If that instrument, by the manner in which he
 “ performs the harsh duties of his office, adds bitter insult to the injury which by
 “ itself is too much for poor human nature to bear; if rude curses attend deadly
 “ wrong, can we wonder at the wild torrent of vengeance and of hate which bears
 “ away before it all thoughts of duty and obedience; ought we to be startled if,
 “ before it lie prostrate all fear of doing evil, all thoughts of the terrible future,
 “ and the consequence that must inevitably follow the breach of that law, which
 “ bids us do no murder. Revenge weaves for itself a fatal web of sophistry, and
 “ eagerly listens to any suggestions which gives to the gratification of its passion

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“ and hate, the character of that mild justice which was long since declared to be
“ slave’s sole protection.

“ Such are the facts which this awful deed brings clearly before us. And is
“ not society called upon under such circumstances to step in and consider the
“ abuse of those rights of property which society has created for the benefit of
“ all. Are we to stand by with folded hands looking on in mute despair, as if
“ these events were an inevitable necessity, an evil beyond the reach of law or
“ public opinion. Surely we are not justified in adopting any such listless course.
“ If the proprietors of the soil in maintaining the rights which the law has given
“ them, thus recklessly inflict misery without stint upon the helpless and
“ unfortunate peasantry; if they say that without the perpetration of barbarities
“ that would disgrace a Turkish pasha; then rents cannot be collected if they are
“ to bring in the attorney multiplying process, and with process multiplying costs,
“ and reducing the peasantry to a hopeless slavery; and if they are then to
“ convert the country into a battle-field for the landlords, and process servers, and
“ sheriffs, and sheriffs’ officers, on the one side, and the furious peasantry and
“ branded assassins on the other; then we say that it is the bounden duty of the
“ Legislature boldly to interfere, and either to enforce upon the present landlords
“ the duties, while it maintains the rights of property, or to create a new landed
“ proprietary, whose intelligence and wealth will enable them to secure the peace
“ of society, and thus lay the sure foundation of national prosperity.”

My Lords, I do not know any language that I could use, in explanation of the crimes that my accusers attribute to the teaching and the work of this Land League, that could so clearly, so feelingly, and so unanswerably refute the allegation of the “Times” than the words which I have quoted from the “Times” itself of the 30th of May 1850. These words, so creditable to the heart and the understanding of their author, were written in what Sir Charles Russell has called “the occasional lucid moments” of that journal. They remain on record, however, as a proof that the greatest of all crimes, murder, arises in Ireland, according to the expressed opinion of our enemy, from the mere exercise of the law, of a system which means in its judgment a sentence of death. The state of things so powerfully and eloquently portrayed in this leading article, were no novelty in Ireland in the year of Our Lord 1850. These sometimes did not, unhappily, vanish from the social life of Ireland, with the murder of Mr. Mauleverer. Every incident dwelt upon so graphically by the “Times,” as combining to drive the hapless victim of a heartless landlordism to despair and revenge, is found connected with and surrounding the story of nearly every agrarian crime that has left its crimson record upon Irish rural life from 1850 down to the date upon which the “Times” launched its forged letters and malignant charges against the leaders of the Irish people.

We have had during those years, and have still, “proprietors living at a distance
“ who carefully avoid witnessing the misery which is the heritage of their tenants.” We have had agents whose “fortunes” in the words of the “Times,” “depend on their
“ shutting up their hearts” towards the tenants. Clearances and evictions which wrought on a far larger scale than that referred to by the “Times,” the misery and the suffering which it describes our people have witnessed in thousands of instances between 1850 and 1887. Eviction means to the average Irish peasant of to-day all that the “Times” described it as, including in human suffering 40 years ago, save where, as not unfrequently happened since the Land League began its work, some pittance of relief, or some kind of shelter is provided outside the walls of the debasing workhouse. The fire is extinguished upon the domestic hearth. The cradle home of youth, the asylum of old age is wrenched from the hands that built, or the right which inherited it at the command of the distant land proprietor. A home is blotted out and destroyed because, as the “Times” truly puts it, society has provided no punishment for the acts which provoke the retaliation of murder.

It was against the system guilty of these acts that the Land League combined the Irish race. It was to accomplish that which the “Times” affirmed was the duty of society that the League sprang into being, for no truer summary of Land League principles could be enunciated than that which is contained in the concluding words of the leading article I have quoted, where it says, “If the proprietors of the soil in
“ maintaining the rights which the law has given them, thus recklessly inflict misery

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“ without stint upon the helpless and unfortunate peasantry, if they say that without
 “ the perpetration of barbarities that would d'sgrace a Turkish pasha, their rents
 “ cannot be collected if they are to bring in the attorney multiplying costs and
 “ reducing the peasantry to a hopeless slavery, and if they are then to convert the
 “ country into a battlefield for the landlords and process servers and sheriff, and
 “ sheriff's officers on the one side and the peasantry and banded assassins on the other,
 “ then we say that it is the bounden duty of the Legislature boldly to interfere, and
 “ either to enforce upon the present landlord the duties while it maintains the rights of
 “ property, and to create a new landed proprietary.”

The plan of parliamentary land reform issued by the Land League in April 1880 and signed by Mr. Parnell, Mr. Egan, and others, will satisfy your Lordships that even at this early stage of the Land League agitation its leaders were willing to buy out the old proprietors at 20 years' purchase in order to create a new system that would be free from the crimes and the miseries engendered by the old. And although the precise plan then put forward was not accepted by the Government, the leading features of the succeeding land legislation can be recognised in the Land League proposals of 1880.

Nor will it, my Lords, weaken the force of my contention as to the true origin of the agrarian crime falsely imputed to the instigation of the League, for our accusers to dwell upon the circumstance that some of the worst of the deeds included in the investigation of this Commission, were committed shortly before and immediately following the Land Act of 1881. The rejection of the Compensation for Disturbance Bill by the House of Lords, which is virtually an assembly of landlords, has been testified to here by many witnesses as one of the calamitous events of the year 1880. It took from the tenants in arrear the hope of being secured against eviction until such time as a good season or a probable Land Bill would come to their relief. Mr. Parnell was no more desirous of securing the enactment of this measure than was Mr. Forster, the then Chief Secretary, who affirmed in more than one of his speeches that he introduced that Bill chiefly for the purpose of preventing disturbance and disorder during the ensuing winter in Ireland, a winter which you Lordships know witnessed the perpetration of more than one agrarian murder.

In the “Fortnightly Review” of July 1881, the editor of that periodical writes as follows of the effects of this action of the House of Lords. It is a short extract, and I will crave your Lordships' permission to read it.

(*The President.*) We really have nothing whatever to do with the views of the “Fortnightly Review.”

(*Mr. Davitt.*) Very well, my Lord, I will pass it by. The article in the “Times” suits my purpose.

I know it will be urged in support of the “Times” case, that outrages which might be attributable to previous tyranny on the part of unjust landlords could not be chargeable to the same cause after the landlord had ceased to possess the power of arbitrary rack meeting and eviction. This, however, is a fallacy. It may be true that the Act of 1881 proposed to curtail the powers of the landlords to this extent; but it has been proved by time and experience that years have had to elapse before the protection of Act could be actually given to even one third of the tenantry of Ireland. But there is another explanation, one founded upon philosophy and a knowledge of the effects produced by radical changes from old to new systems, which will account for the outrages which followed the passing of the Land Act of 1881. It is in the times of transition of that kind from one state of law to another that popular intimidation has existed, and, if anything, is sure to thwart their hopes, there is greater violence and a greater tendency to oppose what is left of the old law and of the old system.

I have striven, my Lords, in these observations upon the charges against the Land League to prove, from the testimony of recorded facts, that agrarian murders, such as these that have come under your Lordships' purview in this case, owe their origin to the conditions under which land has been held in Ireland. The facts upon which I establish my contention are not taken from the Nationalist or even Irish records. The persons and authorities I have quoted are nearly all English, the chief among such authorities being the “Times” itself. No scientific theory has ever been established on the ground of the observed relation between cause and effect, that is subject to demonstration as clearly and as convincingly as the assertion that agrarian murders in Ireland have been incidental to the system of landlordism upheld in that country.

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If these crimes had not been heard of before in our unhappy history, or if they had but rarely occurred; if their frequency began only with the inception of the Land League, and that they ceased when the Land League was suppressed; then in face of facts like these, there would be plausible grounds for the imputation of the "Times." But when we find their traces in the pages of every year's history backwards for generations on a dreary, heart-breaking record of landlord and tenant strife, the same in motive, the same in execution, alike in all the hateful character of the "wild justice of revenge," as these crimes have been termed, there can be no other conclusion justly or fairly come to but that the agrarian murders which took place in Ireland between 1878 and 1887 were instigated by the same causes, passions, and objects which produced exactly similar crimes between 1878 and 1868, and on back to the earliest records of Irish agrarian outrage, before the Land League was ever thought of, and that their only relation to the League was that of coincidence.

Now, I intended quoting from other authorities in support of this view, but I do not do so in deference to your Lordship's very fair objection. Before passing, however, from the consideration of the subject of agrarian murder to that embracing lesser kinds of agrarian outrage that have been painfully particularised before your Lordships by counsel on the other side, I will add to the testimony adduced from the "Times" in the leading article of the 30th May 1850, another and a much briefer article on the same subject which appeared on the 5th of June of the same year, in reply to a letter which the brother of the murdered agent addressed to the "Times" denouncing its language of the 30th of May. The editor commenting upon this communication said:—

"Whatever we added was in the way of comment as much as possible on the system out of which this and so many other catastrophes have arisen. Our comments might not be agreeable to the friends or the employers of the murdered man, but that the condition of the Irish population is one of 'fearful wrong,' that these murders are its 'hideous results,' that every fresh occurrence of this sort, while it 'naturally excites in every man's mind horror, alarm, and indignation,' should also direct our attention to 'the still deeper tragedies' done in the name of law, we must still be permitted to think and say —"

And the article concludes in these words:—

"It is far from our intention to palliate a murder on the ground that the administrator of an oppressive system had used harsh and brutal language to its victims, but we must say that, if Mr. Bilting Manleverer wished to clear his brother's memory from this charge, he ought to have shown by his letter that he knew the difference between fair language and foul, which he evidently did not. As it is, his own tone renders it only too conceivable that his brother might have occasionally added asperities of language to the inhumanities of law."

Inhumanities of law in Ireland! I thank the "Times" for these words. It truly describes in four words the true character of that law which has sustained Irish landlordism in its infamies against the people of Ireland, and which has begotten all the bloodshed and crime that have dogged the footsteps of that system from its introduction into our country until the present moment.

Now, my Lords, I intended to deal with the official returns of agrarian and ordinary crime in Ireland, and I feel a little fatigued. If your Lordship would break off now, and give me ten minutes extra, I will confiscate some of my speech in the afternoon in return for your Lordship's kindness.

(*The President.*) Very well.

The Court adjourned for a short time.

My Lords, the allegation that the Land League was a conspiracy for the purpose of reaching certain ends by a policy of criminal violence, including murder, is a charge in keeping with the forgery of the letters which were fabricated for the purpose of proving Mr. Parnell to be the abettor of assassination. It is a charge worthy in every way of the spirit with which the "Times" has for years pursued the exponents of Irish national sentiment. And, my Lords, where in these proceedings was the evidence produced to substantiate this infamous allegation? Certain witnesses, it is true, have

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been brought forward, not to prove but to allege that they were either cognizant of payment having been made by members of some branch to themselves for firing at persons, or they heard that such payment had been intended to be made. Your Lordships have heard and seen those witnesses. Buckley, the ex-militiaman, the man who set up a stone as a target at which to practise his revolver for the purpose of shooting Roche, which murder practice took place in a field close to the police barracks, as was testified by a witness named O'Connor; Buckley, the hero of some 12 convictions as a malefactor, and the man charged in his native place with having robbed and attacked his own poor mother; in every particular Buckley was a worthy witness for the "Times."

Then we have the man that was called Iago; his real name was Igo.

(*Sir H. James.*) I think there was no conviction against Buckley.

(*Mr. Davitt.*) I think it was proved here.

(*Sir H. James.*) There was no conviction proved.

(*Mr. Davitt.*) I think he admitted in that witness-box that he was convicted.

(*Sir H. James.*) If Mr. Davitt says so, he may be right, but he will allow us to look and see.

(*Mr. Davitt.*) I am certain, my Lord, I am not mistaken about Buckley.

Iago, the man who confessed he followed outrage as a business or recreation, charging himself in this Court with having made a fatal attack upon a man for whose death the police, who knew Iago well, and gave him money, suspected a man who, unlike Iago, had fled the country. This was another congenial character for the "Times" in this case against Mr. Parnell. Then we have Coleman of Mayo, the friend of Inspector Ball, the man who confessed to the ruin of a young woman, the man believed in Mayo to have been at the bottom,—to have been in fact the beginning and the end of the detestable Crossmolina conspiracy. This is another of the witnesses whose testimony your Lordships and the people of England are asked by the "Times" to believe against Mr. Parnell and his party. Next we have Delaney, the confessed assassin and convicted highway robber, the man whom a Dublin jury declared by a special resolution to be unworthy of belief on his oath; and the "Times" expects that this accomplished scoundrel would be accepted here, despite his record, because he testifies against Patrick Egan and Thomas Brennan, who are absent and unable personally to refute his assertions. These, and a few other of the same evil odour, are the witnesses whose evidence is expected to substantiate the charge against the Land League. In the instance of each of these witnesses the defence has produced witnesses as to the facts stated, and who were named in some cases by the informers and we ask your Lordships to note the contrast between the "Times" clients and these witnesses in everything which is calculated to inspire confidence in the testimony of men. It has been abundantly shown by our witnesses, and in the masterly statement of Sir Charles Russell, how grotesquely monstrous those charges of murder and outrage as an alleged policy are against men in Mr. Parnell's position.

Allow me to try and put the absurdity of this allegation in another light. Suppose for a moment that such had been the plan of action of the League; that we were setting to work to win Irish independence by moonlighting in Kerry, by assassination in Dublin, and by the explosion of dynamite in London; along with the et ceteras that make up the contents of Parnellism and Crime. Allow, for argument's sake, that we were criminal enough and idiotic enough to form and to carry out such a programme. What could we not have done with the influence and the means which the Land League possessed? The League numbered close on a million of members the world over—in Ireland, Great Britain, the United States, Canada, Australia, South Africa. These members placed at our disposal over a quarter of a million of money. They had full and complete confidence in Mr. Parnell. His influence, not only with actual Land Leaguers, but with millions of our race outside our organisation, was doubtless greater than any man has exercised over Irishmen since the days of O'Connell. Now, if the "Times" allegation could possibly be true—if it could be our policy to frighten and maim or kill persons in order to obtain an Irish Republic, why what could we not have done in this way with the means at our disposal? The Attorney-General has proved by his witnesses that 69 persons were named or denounced at League meetings during the time covered by this investigation. I am taking now, I may say at once, my Lord, Sir Charles Russell's authority for these figures, and I think it will be found to be correct. Of these 69, nine only were subsequently outraged or injured, and of

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this number there were three murdered. My Lords, I do not in the least degree seek to minimise the crimes thus perpetrated, nor in any way to defend anyone who may have been really, directly or indirectly, responsible for the killing or maiming of even one of these people. But, adding to this number the 63 or 64 more homicides that have unhappily occurred in Ireland during the last ten years, what does this amount of crime prove—deplorable as even one single murder is in any country—what, I say, does this record of crime prove when looked at calmly and philosophically against the Land League, against Ireland or the Irish people? I have carefully gone over the official returns of serious crimes for England and Wales, and for London separately, for the same period covered by the charges against the Land League, from 1878 to 1887. And I hope your Lordships, for the sake of the character of the Irish people, which is here assailed in our persons, will give me permission to just quote these figures. In London, whose population approximates to that of Ireland, there have been 111 persons—

(*The President.*) Where do you get these figures from?

(*Mr. Davitt.*) From the official returns, my Lord.

(*The President.*) That is not a sufficient guide to me. What official returns?

(*Mr. Davitt.*) The official government returns published here in London.

(*The President.*) I want to know something about them, so that I can get them, and refer to them?

(*Mr. Davitt.*) Judicial Statistics, I think, is the proper name. I applied for them and got them myself. I have them in my hotel, and will be very glad to bring them here to-morrow morning. They are the official reports of the crimes committed in London. Official statistics of crime in London and England and Wales issued every year. In London, whose population approximates to that of Ireland, there have been 111 persons over one year of age and 347 infants killed feloniously, or a total of 458 murders committed in this city during the same number of years. The findings by coroners' juries were 557 murders of both classes, persons under and persons over one year old. During the same period there were 67 attempts to murder, 1,332 cases of shooting at, wounding and attempts to do bodily harm, while there were 926 cases of manslaughter. And this, my Lords, is in London where the "Times" newspaper has its offices. In England and Wales before whose bar of public opinion we are also on our trial, this is the record of its similar crimes during a similar period, from 1878 to 1887. Murders of persons over one year, 804; under one year, 778; total 1,582. Finding of coroners' juries in both classes, 1,755; attempts to murder, 655; shooting, wounding, and attempts to do bodily harm, 7,057; manslaughter, 2,487.

(*The President.*) What year do you say was this?

(*Mr. Davitt.*) The years covered by this inquiry, from 1878 to 1887.

My Lords, there are many services which this Commission will render, in my humble opinion, to the cause of ultimate peace and amity between the Irish people and the people of Great Britain, services which were not in the minds of the authors of "Parnellism and Crime" when this conspiracy of calumny was hatched between Houston and Pigott and the persons responsible for that paper. And if I am right, if time proves your Lordships' labours to have this happy result, I am confident that the application and patience with which this inquiry has been borne will be remembered only with satisfaction by every member of this Court. One thing I hope from this Commission is that it will draw the attention of the people of Great Britain to the real source of agrarian crime in Ireland, and if it succeeds in doing this, the fate of Irish landlordism is sealed. The "Times," of course, contends that the agrarian outrages of the last ten years were due entirely to the influence of the League. The defence on the contrary assert, and call upon the facts of history and the testimony of Parliamentary reports to sustain their assertion, that the crimes and outrages of the Land League period are similar in character and the same in origin as those crimes which have been all but continuously occurring from the days of Whiteboyism to our own. Sir Charles Russell has filed proof upon proof in support of this our contention. Witnesses from all parts of the counties included in the purview of this investigation have given similar testimony from their own knowledge, from tradition, from general popular belief. It is also the recorded conviction of eminent unprejudiced writers, from some of whom Sir Charles Russell has quoted, that to the system of landlord and tenant existing in Ireland—to the frequency of the work of eviction—is due to the prevalence of this unhappy species of crime.

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I have more than once quoted from Lord John Russell during my observations, and I will once again, and for the last time, lay that distinguished statesman under obligation for a just and philosophical estimate of the people of Ireland, with reference to the point on which I am now speaking. I quote from his "Speeches and Despatches," volume 2, page 13, and onward. He says:—

"Is there anything in the nature of the Irish people which forbids that
 " outrage and crime should be successfully met and a remedy effectively applied?
 " I think no one can deny that, looking at the upper classes of society, no men
 " have shown greater talent, greater frequency of wit, or greater aptitude for the
 " pursuits of arts and arms than the people of Ireland. As to the lower classes,
 " whether we view them as soldiers in the service of their country, or workmen
 " in the various departments of labour, no men have been more remarkable for
 " valour or industry, or evinced more of the qualities by which a country can
 " rise to eminence. There is nothing, then, in the character of the people them-
 " selves which forbids us to hope that the evils of their condition should be
 " successfully met and overcome. The Cabinet of that day prepared a coercion
 " law, and I do not mean to deny that a part of the responsibility of its intro-
 " duction attaches to me. But in promoting that law I thought, with others, that
 " the time was come when we ought to look more deeply into the condition of
 " Ireland; that we ought to consider whether we would not lay the foundation of
 " a better system, which a mere temporary law of that kind could not do; and
 " whether it was not fit to consult the temper and wishes of the people of Ireland,
 " and whether the same freedom which we possess in our own country might not
 " be as efficacious in Ireland. Sir, I know not why, if we conduct the govern-
 " ment of England according to the wishes of the people of England, and if we
 " conduct the government of Scotland according to the wishes of the people of
 " Scotland, I know not why in Ireland the opinions and wishes of a small
 " minority only should be consulted, and the great majority should be totally
 " omitted in the list of the supporters of Government. I say, on the contrary,
 " that we can have nothing firm, that we can have nothing staple, that we can
 " have no permanent improvement, unless we act on such principles as shall carry
 " with them the goodwill and the confidence of the Irish people."

I had intended following that up with a quotation from Macaulay, but I will not do so. But I have four or five lines here from Lord Beaconsfield's Life of Lord George Bentinck, where, on page 125, in referring to the shooting of Irish landlords, and to other forms of agrarian crime, he says:—

" These barbarous distempers had their origin in the tenure of land in Ireland,
 " and in the modes of its occupation; the soil has become divided into allot-
 " ments, held by pauper tenants and at exorbitant rents, and by a class of
 " middlemen who were themselves necessitous and were traders in land."

Then, my Lord, I intended quoting from a letter of O'Connell's in his Life by O'Neill Daunt. I will only give the last three or four lines, because of something which is there prophetically said:—

" I know well how unpalatable such a system would be to the landlords,
 " especially the absentees. But in truth, unless something be done, the people
 " will slip out of my hands, and the hands of those who, like me, are for peaceful
 " amelioration. They will operate a 'fixity of tenure' for themselves with a
 " vengeance ;"

referring in that letter to the violence which invariably followed in Ireland from the postponement of reform until passion and expectation had been excited.

I will now refer to the crimes about which evidence has been given charging the Land League generally with responsibility for their commission.

There is one of the many charges brought against me by the "Times" which I admit is conditionally proved, but not at all proved to the extent to which the thing has been magnified and misrepresented.

That "boycotting" has been advocated on various occasions by me I have not denied. But I have denied—all the witnesses called for the defence have denied—that

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the "boycotting" which was recommended at some League public meetings and at branches, was that which the "Times" alleges led to and resulted in personal intimidation and injury to the individual.

The contentions of our evidence is, that those persons charged who made speeches in which boycotting was advocated, specified clearly in qualifying words that what they urged upon their hearers was, a shunning of, a having no dealings or intercourse with, such persons as went contrary to the public feeling of the place, by taking land out of which some one may have been evicted, or by kindred obnoxious conduct.

It may or may not be the reading of the law, that words which are spoken and are intended to be literally interpreted, in the sense in which they are uttered, by the audience spoken to, are held to be incitations to a breach of the peace, if such a result follows in apparent relative sequence. If A declares in the hearing of B, C, and D that E has robbed a poor-box and deserves to be "put in Coventry," that is to be socially ostracised; and if after this denunciation B, C, and D, individually or by concert, should set fire to E's house or break his nose—I do not know enough of law to enable me to say how much of guilt, if any, A would incur—but if the robbing of poor boxes had been a common practice in the place inhabited by A, B, C, D, and E, and if the houses of the thieves had been invariably set on fire or their noses broken before A had ever recommended "Coventry" as a sign of popular reprobation, I may be wrong, but I am of opinion that A's action should not be considered as inciting or contributing to illegality, in the hypothetical instance I have given. The evidence for the defence has shown that the boycotting, which was undoubtedly a weapon of the Land League, was not advocated as a means of personal injury or intimidation, but as embodying the popular sense of shutting out from the services of mutual association persons who, instead of being neighbourly or of a community of feeling with their fellows, acted injuriously or treacherously to what were considered the public interest.

The "Times," on the other hand, has attempted to prove that the boycotting of Mr. Hegarty, of Mill Street, for instance, led directly to the subsequent alleged attempts upon his life. But in taking this line the "Times" has tried to prove too much, and has therefore failed to make good its original charge. If the boycotting of Hegarty did in the eye of the law form part of the offence committed when he was fired at, then those who suggested or advocated the boycotting in the first instance would be legally amenable for the more serious offence.

It is of course probable than an institution which may never have been intended to work personal injury to anyone does eventually, under the influence of certain or unforeseen circumstances, work ruin to many. But that does not prove the criminal character of such institution, or that its origin was not conceived in motives of general good rather than for purposes of personal injury. To sustain this argument, I wish to quote from a very learned article contributed to the "Nineteenth Century" in December 1886 by Mr. Justice Stephens. While I do not, on any account, accept of his statement of facts or the conclusions which he draws from facts so stated, Mr. Justice Stephen puts boycotting in a fair enough light in that part of the article which appeared in the "Nineteenth Century" of December 1886, where he says:—

"Boycotting is only a modern application of the old Roman *Ignis et aquæ interdictio*, and is very like the weapons of excommunication and interdict by which the Church of Rome was able practically to govern a great part of the world, till the terrors of excommunications and interdicts were destroyed by the decay of faith in their importance. It must also be remarked that the process of boycotting is particularly dangerous, because it is so plausible, so quiet, so closely allied with moral feeling, and so readily capable of being represented as a mere exponent of it and legitimate vent for it. The mere act of shunning a man, of refusing to deal with him, of not taking his land or the like, in no way shocks or scandalises any one. Nothing, in itself, and if it stands alone, can be more natural and harmless. Human life could not go on at all if all of us were not at liberty in a certain sense to boycott each other, to cease to associate with people whom we do not for any reason like to cease to do business with, people with whom for any reason, good or bad, we prefer not to do business—in a word, to regulate all the course of our lives and of our intercourse with others according to our will and pleasure. To resent what you regard as harsh conduct

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“ in a landlord in evicting a tenant, or as meanness in a tenant who plays into his
 “ hand by taking the farm from which the tenant has been evicted, by refusing to
 “ have any dealings with either, may be wise or foolish, right or wrong, if it is a
 “ mere individual act, the *bonâ fide* result of the natural feelings of the person who
 “ does it. The transition from this to concerted action is not one which shocks
 “ the common and uninstructed mind, and the further and final step which leads
 “ you to help to compel others by fear to do that which you rather like to do
 “ yourself is little less natural and easy. By this plain and easy process what
 “ Bentham described as the popular sanction may be readily and quickly applied
 “ as a sanction of unequalled efficiency by any code of unwritten laws which
 “ vaguely represents the current sentiment of the most ignorant and passionate
 “ part of the community, those who are guided almost exclusively by sentiment
 “ and passion.”

Of course, my Lords, everybody who has not lived all their lives in a balloon, and read nothing but the stars, knows that what is known as boycotting has existed since civilized society began its career, and has been practised in a variety of ways for individual, social, religious, and political purposes. It was in vogue in Ireland before the Land League, and has never in the world's history, barring possibly the treatment of the Jews in the Middle Ages, been more remorselessly applied than by England's rule of Ireland during the penal laws. Party and political boycotting have never ceased to be practised by the landlords of Ireland. In fact I have said on scores of Irish platforms that boycotting was a weapon which we had borrowed from the armoury of the landlords to turn against themselves and their systems. I find in the reading that I have had to undergo, preparing for the task I am trying to perform before your Lordships, that on the eve of the passage of the Reform Act of 1832, the Conservative party in this country, through one of its most respectable organs, laid down a system of boycotting which I will thank your Lordships to allow me to read (it is only very short); it is from “Blackwood's Magazine” of July 1832, on the eve of the memorable Bill of that year. It says, “Finally, let the Conservative party universally and firmly
 “ act upon the principle of withdrawing their business from tradesmen whom they
 “ employ who do not support the Conservative candidate. In the manufacturing
 “ cities, which depend on the export sale, this measure may not have a very powerful
 “ effect, but in the metropolis, in the other great towns, and the small boroughs, it
 “ would have an incalculable effect. *If universally and steadily acted upon, it would be
 “ decisive of the fate of England.* At least four-fifths, probably nine-tenths, of the
 “ purchase of articles of commerce come from the Conservative ranks; if this were
 “ confined to men of Conservative principles there is an end of the revolutionary
 “ progress. There is nothing unjust in this; the shop keeper claims for himself the
 “ power of judging who should be his representative in Parliament. Granted, but he
 “ cannot refuse the same liberty of choice to his customer as to whom he is to employ
 “ as his butcher, his baker, or his clothier. There might be some reluctance in taking
 “ this step in ordinary times, when no vital part of the State is at stake, when mere
 “ family ambition divides counties, and the great interests of the State are equally
 “ secure in the hands of the one or the other party. But the case is widely different
 “ when, as at this time, the question is not between rival families in counties, or
 “ adverse parties in politics, but between contending principles in society; between
 “ the preservation of property and the march of revolution; between future felicity
 “ and unutterable anguish for ourselves and our children. It may be a painful thing
 “ to part with an old tradesman because he is of revoluntary principles; but it is
 “ much more painful to see the ruin of our country, and that is the other alternative
 “ * * * * *

“ Come what may, we have discharged our duty to the friends of England, by
 “ showing the simple and certain means by which the progress of the revolution may
 “ be stayed; if they are neglected and ruin follows, the consequences be on them and
 “ their children.”

Well, that proves, my Lords, that 30 years before the Land League was heard of the great law-abiding Conservative party in England could resort to systematic boycotting at that time. Boycotting, considered even in its worst and most objectionable form, and from the point of view of its worst results, had still, I maintain, this comparative innocence over the practices of those agrarian societies whose crimes and

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outrages are set forth in Sir George Cornwall Lewis' book, and so often referred to by Sir Charles Russell in his speech, and to the same kind of crimes that are particularised in the report of the Devon Commission. In those days the man who was marked out for punishment or murder in Ribbon Lodges or other secret conclaves was visited or waited for without any warning whatever, and outraged, as a rule, without any chance of preparing for defence, or of communicating with the police. The naming of land-grabbers at a few public demonstrations during the League agitation, or the passing of boycotting resolutions at occasional branch meetings did, at least, this service to the obnoxious person, it gave him public and timely warning of the feeling existing against him, and afforded him opportunities of seeing to his own protection. So that, assuming even the "Times" allegation about the boycotting of some branches of the League to be true, namely, that boycotting was meant to end in outrage or personal intimidation—a charge which, of course, we altogether challenge and deny—I maintain that it could not, humanly speaking, be as criminal in its consequences as were previous practices of agrarian bodies which had nothing of the public character of the League about them.

Our answer to the "Times" charge on this head is that public denunciation of men who grabbed land or otherwise went contrary to popular feeling in a district, acted as a kind of lightning conductor; that it brought the pressure of public opinion to bear upon those thus mentioned, and that, in this manner, such denunciations and boycotting did actually and manifestly prevent outrages of a serious character, instead of causing them.

Evidence in proof of this has been given by nearly every one of the witnesses called for the defence; and these witnesses embraced clergymen in large numbers who are, from intimate association with the people, better qualified to speak on this matter than any other class represented in this inquiry. When it is considered in this connexion that the Land League had upwards of 2,000 branches throughout Ireland; that the National League has had nearly the same number; that these branches have met on an average once a fortnight for the whole period of their existence as branches; that at least three speeches would be made at each branch meeting, and that thousands of boycotting resolutions must have been passed at these branch meetings; how infinitesimal are the number of persons outraged or injuriously boycotted, in comparison to the flood of League oratory which these figures represent as having swept over the country from 1879 to 1887. Taking only half the number of branches here given, that is 1,000, as fairly representing those that would be in continuous active existence during this period; and, to be again well under the mark, let me assume that there was a meeting only once a month, and that there was but one speech made at each meeting, a number that is, alas, altogether too modest for Irish oratorical propensities—we would have as a result of these figures no less than 96,000 Land League speeches. Assuming that during the same period there had been held one fortnightly meeting of the central branch in Dublin, where, as a rule, there are half a dozen speeches fired off; and again, docking these by half, we would have 288 central branch speeches over the same length of time. And finally, calculating that from 1879 to 1887 there were four public or open air demonstrations each week—but to keep well within the lines of certainty I will put down two, instead of four—this would give us 832 open air speeches. And, adding these figures together, we will find a grand total of 97,120 Land and National League speeches having been made in Ireland during the time embraced in this inquiry, a total which I have arrived at by making, in order to be consistent with my own speeches, the same 50 per cent. reduction which in genial moods I have only asked of the landlords.

Then, my Lords, on the other hand, the number of persons who were named at meetings in one way or the other during this same period of time was 69 only, according to the evidence; and of these 69 no less than 60, I am happy to say, had not a hair of their heads touched in consequence; at least as evidence has been given that they were in any way injured personally. This brings down the number of outrages alleged by evidence to be the result of League denunciation to nine, which would mean one and a fraction for each year, or the 10,690th part of an outrage to the number of speeches made from 1879 to 1887. Of these nine persons who were named or denounced, three only were murdered. I do not say three only to minimise in any way the criminality of the deeds, but I do say that the number is an answerable

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reply to the allegation of the "Times," which says the Land League rise like an exhalation to the sound of murderous oratory, and was guarded about by assassins who captured its high degrees by the bullet and the knife. And, my Lords, if we take the entire number of outrages of all kinds concerning which evidence has been given by the "Times," that is 157 in all, made up of 65 in Kerry, 42 in Galway, 25 in Cork, and 25 in Mayo, which outrages included, I am sorry to have to say, 26 murders, that is, 3 in 1880, 7 in 1871, 12 in 1882, none in 1883-4, 2 in 1885, 1 in 1886, none in 1887, and 1 in 1888; if we take even all these crimes for all these years, they cannot for one moment bear any rational relative connexion with the 100,000 Land and National League speeches, an organisation with half a million members in Ireland, branches in every town and village, and financial resources that reached a sum of 250,000*l.* before the same organisation was three years old. Yet the "Times" allegation reads:—

"Many of those persons whose names are included in these particulars knew
 "and must have known that sums of money were being paid, not in an exceptional
 "instance, but over a long period of time to persons who were engaged in carry-
 "ing out the acts of violence and crimes to which reference has been made."

My Lord, if ever the hackneyed quotation about the "mountain in labour bringing forth a mouse," could be applied, it is in this instance, when these few number of crimes, covering a period of eight years, are attributed to one of the most powerfully developed organisations ever known in these countries; and the leviathan times, assisted by the Government of the day, succeeds in proving in a trial that has lasted nearly twelve months that the sum of 6*l.* of Land League money reached one man of this vast organisation as alleged, but not proved as a reward for an alleged but not proved moonlighting expedition. The celebrated Timothy Horan's cheque for 6*l.*, granted on a recommendation of a Land League clerk, and endorsed by Mr. John Ferguson, is the only Land League money that has been proved to have passed between the League and men as alleged rewards for the perpetration of outrage. Inuendo and wholesale accusation are one thing, proof is quite another, and it is with proof of criminality that justice has to deal and not with wholesale political calumny.

To intimate, as the "Times" does, that because every penny of the Land League funds is not accounted for in connexion with an organisation which was suppressed in 1881, and the books of which organisation have been roaming from Dublin to Liverpool, and from thence to London or Paris; to insinuate also that because these books have not all been forthcoming seven years after the Land League was suppressed by Government force, therefore the money so unaccounted for was paid for criminal or illegal purposes, may do very well for the political purposes which the "Times" was anxious to serve when it bought Piggott's forged letters for 1,700*l.*, and published the first of them on the morning of the division upon its party's Coercion Act accusation, and inuendo of this kind may serve such ends as those, but they will not be accepted in a court of justice except at their proper legal value, or be allowed to usurp the function of clearly established proof in the formation of a just and righteous judgment. One word more, my Lords, about the crimes which have been proved here, on evidence not against the League, but that such crimes were committed at certain times and in certain places.

The 26 murders to which I have referred call for this observation, not in any way as an extenuation of the crimes themselves in character or in number, but as a matter of fact. No less than 19 of these 26 were committed in the years 1881-2, over two-thirds of which time the Land League was suppressed, meetings were largely, if not entirely prohibited, and while 1,000 or more influential Land Leaguers and local leaders were incarcerated under Mr. Forster's Coercion Act.

I hope I am not wearying your Lordships by adopting this line of argument against the allegations of the "Times." It cannot be near as wearisome to the Court as it is to myself, or as it has been for months past, to travel through years of Blue Books, miles of speeches, and all but endless evidence, in order to meet fully and fairly the accusations of the accusers in this case.

Their methods of insinuation are so various and cover so much time, and so many acts and persons, that it becomes inevitable for me to make my defence and reply cover an area something like equal in extent to the field of accusation.

And then again, my Lords, it is the outrages and crimes committed in Ireland during the period from 1879 to 1887 that constitute the kernel of this whole inquiry, and

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upon the evidence for and against the charge of complicity in which crimes your Lordships' final decision will be given.

Therefore I hope that the patience of the Court will not be exhausted if I dwell much longer upon this vital phrase of this trial than I have done over other parts of it.

To bring home clearly and convincingly the charge of responsibility for these crimes to the persons charged, the "Times" must not only prove our direct complicity in their perpetration beyond all reasonable doubt, it must, in order to do this, show how, during these years, all the known ordinary causes which have led in previous years to the commission of identical crimes and outrages, and in greater numbers than within the Land League period, than all these causes were suspended in their operation, and that eviction and fear of eviction, disputes about land, and the general play of those agrarian passions which breeds human contention, hate, and revenge, had acted no part whatever in the production of the agrarian crimes that are on unhappy record from 1879 to 1887, and the culpability for which or for many of them the "Times" declares belongs to the League.

On the other hand, my Lords, I contend that the evidence given by the defence proves conclusively what has over and over again been demonstrated by historic analogy, that the crimes and outrages thus charged against the League have had their seat and source in the active operation of those very causes which the "Times" tries to ignore, and that it is to such causes and to none others that this unhappy record of deeds of blood and of passion are justly and truly if lamentably referable for origin and instigation.

It may, and doubtless will, be objected by Sir Henry James that proof by historic analogy of the Land Leaguers, innocence will not be all which your Lordships will require for a Land League verdict in this case. This, I grant, as a matter of course, only I do so with this reservation, that it is not, or rather it ought not to be, a question of the persons here charged clearing themselves of imputed crime, but a matter of the "Times" proving the truth of these charges so conclusively against the parties charged that no reasonable doubt of their guilt will remain.

A case in point will explain my contention in this matter and obviate the necessity of referring to it again by way of argument.

Some years ago an influential journal made a series of infamous attacks upon two prominent political leaders. One of them replied to these attacks as follows:—

"The public will respect the anonymous system so long as it respects itself:
"but it will no more tolerate the literary assassin in our day than it would the
"poison bowl or the dagger. * * * * Instead of offering a syllable in
"palliation of the charge of inciting to public plunder levelled at Mr. Bright,
"he coolly tells that he had, in two previous numbers of his journal, made the
"same charge against both that gentleman and myself, that he has given us a
"week to clear ourselves, and, as we had neglected to do so, that he concluded
"his imputation to be well-founded. Only a long impunity could have betrayed
"him into such a defence. It amounts to this: I have only to scatter imputa-
"tions of meditated robbery right and left, and anybody who may be accused
"by me fail to vindicate his character, he has no right to complain if he be ever
"afterwards treated as a convicted felon."

The name of the writer was Richard Cobden. The date of the letter was the 11th of December 1863. The paper in which the letter appeared was the "Daily News," and the influential journal whose editor and methods were thus spoken of was the London "Times." My Lords, the Irish political leaders who are now the objects of attack by this "literary assassin" have presented themselves to this Court to vindicate themselves from the charges made by this paper; and if I, as one of them, supplement my own and others of the accused direct testimony by the unprejudiced English authority recorded in connexion with the recrudescence of agrarian crimes in Ireland, I hold, subject to your Lordships' better judgment, I am resorting to no unreasonable line of argument. I know I can only do this by your Lordships' indulgence. I am not so ignorant of the rules that govern the pleadings in courts of law, as to imagine for one moment that your Lordships will except historic evidence at anything but its historic value. Therefore, with these remarks, on what I have read this morning and on other occasions, I pass on to what more immediately concerns myself on this occasion.

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I will now call attention to the official returns presented to Parliament in the year 1882. The return is named "Numerical Return of Charges reported to Constabulary Offices in Ireland during the year 1881 with summaries during preceding years." There is no distinction drawn in one portion of this return between agrarian and ordinary crime; but, of course, the number of homicides reported in this part of the return included the agrarian murders. The return gives at pages 10 and 11 —

(*The Attorney-General.*) What is the date?—

(*The Secretary.*) It is a return printed in Dublin.

(*The Attorney-General.*) 1882, my Lord.

(*Mr. Davitt.*) The return gives at pages 10 and 11 the number of murders and man-slaughters committed each year from 1854 to 1881 inclusive. During the 25 years preceding what I will call the Land League years, that is from 1854 to 1878, there were 1,392 homicides committed in Ireland, or an average of $55\frac{2}{3}$ for each year.

(*Mr. Justice A. L. Smith.*) Is that agrarian or what?

(*Mr. Davitt.*) No, I have pointed out in this part of the return, there is no distinction drawn between agrarian and others. I will come by-and-by, my Lord, to a portion of the return where the agrarian and other outrages are particularised. Taking now the years 1879, 1880, and 1881, a period embracing the birth, the life, and the suppression of that organisation which the "Times" alleges carried out its policy by means of murder and outrage, we find the total number of murders in the same return for the three years to be 87, or an average of 29 for each year only; this being $26\frac{2}{3}$ less murders per year during the Land League period than for the 25 years which preceded the inception of that organisation; or in other figures, about 48 per cent. of an average falling off in this class of crime.

It is, however, right to point out that in the return from which I quote, the word "homicide" is made to include murder and manslaughter in the columns from 1854 to 1864 inclusive; and that for those 10 years I have taken the number of homicides thus given as murders in my calculation. From 1865 to 1881 inclusive the murders and man-slaughters are given in separate columns, and for those years I have taken the figures which represent the specific crime I have been dealing with. Why the figures in the return are given in this indefinite manner for the years from 1854 to 1864, I am unable to understand.

Taking the number of man-slaughters in the years in which they are particularised in this return—that is, from 1865 to 1881—I find that from the former year to 1878 there were 726 of these crimes committed, or an average of a fraction within 52 per year. Taking next the Land League years from 1879 to 1881 inclusive, the man-slaughters were 143, or an average of $47\frac{2}{3}$ per year, being 8 per cent. less of these crimes per year than during the 14 years which preceded the birth of the Land League.

Inasmuch as the part of the return from which I make these calculations does not distinguish between agrarian crime and ordinary crime, the figures are not as conclusive as I would wish them to be, but they at least show to a demonstration, that for the 24 years preceding the appearance of the Land League there was a far larger average of homicides committed in Ireland in each year than during the years 1879, 1880, and 1881.

There is, however, in another part of this return, at pages 8 and 9, tables which give what purport to be, the figures representing "agrarian" as distinguished from ordinary crime, but these figures form so extraordinary a comment upon the figures that are found at pages 10 and 11, and from which I have been quoting, that I cannot help suspecting that they have been cooked for a purpose.

Everyone who has the most elementary acquaintance with Ireland knows that agrarian crime has always been out of all proportion the greater and predominating class of crime in the country. Murders that are not of an agrarian character are as seldom committed in Ireland as that other crime so peculiar to England, wife-beating. Yet we find according to these returns of the Royal Irish Constabulary that, though there is a record of no fewer than 1,392 homicides from 1854 to 1871, or an average of 55 for each year, there is only a record of 117 homicides of an agrarian nature during the same period of time, or a yearly average of $4\frac{2}{3}$.

I contend, in the face of such figures, that I am justified in charging some sinister purpose to the Constabulary authorities in not differentiating between the agrarian and ordinary crime in the return, dealing with the whole crime of the period, and in

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resorting to a classification which is made to show an improbable preponderance of ordinary serious crimes, over agrarian ones of the same magnitude.

There is, however, another return to which I will now refer your Lordships, which gives the number of agrarian outrages, but only from the years 1877 to 1887 inclusive. This return is printed as an appendix to the evidence given in the month of January 1889, and put in by the "Times" witness Arthur Charlesley. This period embraces the whole of the time included in this investigation, and the number of murders recorded from the year 1879 to 1887 inclusive is 81, or an average of nine each year exactly. But it is of the utmost importance to observe here that the "Times," with all the aid of Dublin Castle and the Royal Irish Constabulary information—information in fact from those who prepared these returns of crime in Ireland—that notwithstanding all this, the number of agrarian murders proved, or attempted to be proved, before your Lordships was but 26, or an average of three each year for the period covered by this investigation.

Taking next the number of manslaughters given in this return, we find a total of 13 for the same period of time, from 1879 to 1887, or an average only of $1\frac{1}{2}$ per year.

Now, my Lords, going back to the return which was presented to Parliament in 1882, and which unfortunately does not particularise agrarian from ordinary crime in the undefined portion of it, we find the average number of murders for the years 1854 to 1878 to be $53\frac{2}{3}$, and the average number of manslaughters from 1865 to 1878 to be 52 annually.

Let me suppose that only half of these were agrarian in character this would represent an average yearly record of 27 agrarian murders, or three times the number of the years included in the period of this investigation, that is from 1879 to 1887, even accepting all the homicides recorded as being agrarian, while it would be nine times the average number for these years if we accept only those proved by the "Times." Again, the average number of manslaughters in the period before the Land League was 52 per annum; assuming half these to have been agrarian in character, this would leave 26 as the average yearly figure or $24\frac{1}{2}$ more cases of manslaughter of an agrarian character each year than during the Land and National League periods.

Now, my Lords, I venture to say that these are figures which demand the careful attention of this Court. They are drawn from official statistics of crime, one return having been laid on the table of the House of Commons in 1882, the other part of the evidence tendered to your Lordships by an official witness for the "Times." I have not dealt in either of these returns with the less serious forms of crime with which they also deal, because it is impossible to separate agrarian from ordinary offences in the figures that are given. For instance, in the return put in by Charlesley on the 17th of January, purporting to show the number of agrarian outrages committed from 1877 to 1887, I find the following crimes included: rape, administering poison, assault on police, which may or may not be agrarian; "other offences," which is somewhat indefinite; burglary and housebreaking; highway robbery; robbery, sacrilege, demand of money; pound breach; injuring places of worship; injury to or attempt to injure railway trains or highways; injury to telegraph; and perjury. Well, my Lord, these may be agrarian crimes in Ireland in the estimation of the Royal Irish Constabulary, but I question whether they are considered crimes of that character in any other country under the sun.

Another return of this kind, my Lords, was put in by the Attorney-General on the 2nd May, and will be found at page 4053 of the evidence. This return purports to be compiled from returns made by the Inspector-General of the Royal Irish Constabulary, and it is made to include the number of evictions carried out from the year 1849 to 1886 inclusive. The agrarian crime column includes of course those offences to which I called your Lordships' attention awhile ago, and on this account the information which it gives cannot be reliable. The return omits, however, and for obvious reasons, the number of evictions during the years of the great famine. Neither do I accept as even approximately accurate the figures purporting to give the number of persons evicted in Ireland from 1849 to 1886. The number given falls short of 600,000, whereas according to statisticians of repute, the figures should be nearer 2,000,000, if the years from 1846 to 1849 were included. Still this return, inaccurate as it undoubtedly is, tells a story which corroborates my contention that agrarian crime rises and falls with the ratio of landlord crime, otherwise evictions. Taking the eight years which immediately preceded the formation of the Land League, and com-

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paring the evictions and agrarian crimes recorded in this return with the evictions and agrarian crimes of the eight years from 1879 to 1886 inclusive, we come at the following results: Evictions from 1871 to 1878 inclusive, 24,111 agrarian crimes from 1871 to 1878 inclusive, 1,981, or about 9 per cent. of crimes to persons evicted. Of course these insinuate, my Lords, crimes of agrarian outrage.

(Mr. Justice A. L. Smith.) Only 1,900.

(Mr. Davitt.) That I find from 1871 to 1878.

(Mr. Justice A. L. Smith.) From 1871, you leave out 1870.

(Mr. Davitt.) Yes. The evictions from 1879 to 1886 inclusive, 133,679 persons; agrarian crimes from 1879 to 1886 inclusive, 14,956 persons; or about 11 per cent. of crimes to persons evicted. The 2 per cent. increase in the agrarian crimes of the latter over the former period, is reasonably accounted for by the coincidence of the wide prevailing distress of 1879 and 1880; the disturbing influence of the transition from the land tenure conditions existing before the passage of the Land Act of 1881, and by the angry passions evoked during the period when popular national and local leaders of the people to the number of 1,000 were arrested and imprisoned without trial, that is from early in 1881 to the resignation of Mr. Forster in May 1882.

Now, my Lords, before dismissing, for the present, this return of the Attorney-General's, I wish to dwell a little more upon the figures therein given, with reference to the west of Ireland, and the inability of even the Land Act of 1881 to prevent landlords from exterminating the people from the land. It is a charge made or implied against us that we have kept an agitation going after the creation of the land courts under the Act of 1881, which agitation, it is alleged, is all the more unnecessary on account of the creation of Government tribunals which adjudicate between landlord and tenant in the all-important matter of rent. But we have always held that the Act of 1881, while it gave some protection to tenant property, and some relief in the payment of rent; it has not fully protected such property, nor reduced such rents to a just standard. We have also held—at least, I have—that the only measure which would fully solve the Irish agrarian difficulty, quiet the country, keep the people on the land, and in their homes, would be a measure which would completely abolish the system of ownership which permits an idle and non-productive class to levy a tax in the shape of rent upon the labour and the home attachments of the class that does produce. The figures which I am now about to quote from the same return will prove to demonstration that we were right. From 1881 to the end of 1886 the following number of persons were evicted in Connaught each year. I will add the number of those re-admitted as tenants and as caretakers:—

		Persons evicted.	Re-admitted as Tenants.	As Caretakers.
1881	-	4,378	102	2,205
1882	-	7,967	148	4,421
1883	-	5,028	137	2,195
1884	-	6,171	125	2,458
1885	-	4,513	126	1,950
1886	-	6,614	169	3,644

I think, my Lords, I may truly say that these are astounding figures. Inside of six years, immediately following an Act which was expected by its authors to go a long way towards a final solution of the agrarian troubles of Ireland, we find the old process of extermination going on unchecked. We have, in round numbers, 34,000 persons evicted, 800 of whom were re-admitted as tenants, and 16,800 as caretakers, leaving over 17,000 as exterminated from the land, and the 16,800 who were allowed to go back as caretakers, deprived of the tenant-right which the Land Act of 1881 was intended to secure to the occupier. There can be no reasonable doubt, and I challenge Sir Henry James to prove me in the wrong, but that this eviction of 34,000 persons, and re-admission of 50 per cent. of them as caretakers was in direct consequence of the passing of an Act which was meant to give to the tenants a tenant-right interest in their holding, and a statutory lease of 15 years. Evidence has been given that these evictions were largely, if not entirely, due to arrears of rent contracted over years before the passing of the Act of 1881. But apart from this evidence, we have the

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testimony of unbiassed opinion, and the testimony given, too, not alone in the columns of the "Times" newspaper, but in its own editorial language, that in "the vast majority of the tenancies in Ireland economic rent was rapidly disappearing during these very years of the League movement." In the "Times" of Saturday, March 28th, 1886, the following letter from Sir James Caird appeared. I do not know whether it has been read before your Lordships.

(*The President.*) Yes, it has.

(*Mr. Davitt.*) It is very important, and I will only give one quotation because I intend as usual to fall back upon the language of the "Times" which wrote a leading article upon the letter. It is as follows:—

"It is only the land of higher quality, in this country,"

(that is meaning Ireland)

"the better class of arable land and the good grass land that are at present yielding any satisfactory returns. Now a large proportion of the land of Ireland, under the new circumstances in which we are placed, must very soon go out of cultivation. The cost of transport has been so greatly diminished that poor, worn out, badly farmed land in Ireland, cannot hold its place in competition with the boundless prairies of rich virgin soil now brought within easy reach of us."

Then I pass on. I want to emphasise this:—

"If the present prices of agricultural produce continue, I should fear that from the land held by the large body of poor farmers in Ireland any economical rent has for the present disappeared. A purchase of it at any price would, therefore, be certain loss. How many years' purchase, even with better prospects, would any sane capitalist give for a nominal rental of three and a half millions, to be collected from 500,000 holdings of poor land from tenants averaging 6*l.* each."

Well, my Lords, I contend that is the character of the land upon which the majority of the poor people of Connaught are compelled to eke out an existence, and that these evictions, to which I have called your Lordships' attention, which are found recorded in the return given by the Attorney-General, are evictions carried out by these economic causes working out these results. With reference to the economic rents, and the "Times" itself in a leading article upon this remarkable letter makes these admissions:—

"The market has fallen, and is still falling. We have reason to believe that the full effect even of the existing shrinkage of values has not yet been experienced, and we have no certainty whatever that values will not fall lower still. In that case all the weaker men among the comparatively strong will go down, and their rental will have to be written off as a bad debt. Thus one-third of the total rental is worthless *ab initio*, and the other two-thirds are obviously liable, apart from all political difficulties, to indefinite depreciation. Sir James Caird is surely fully justified in concluding that there can be no adequate security given at present by the land of Ireland for such a stupendous advance by the British people as even on the lowest estimate Mr. Gladstone's scheme involves."

And the article goes on to say in a short time whether Irish Government or English Governments or Irish landlords can collect rent of these 500,000 holdings from which economic rent had been rapidly disappearing in consequence of it.

Well, my Lord, there is one more comment, and one only, which I will make upon this letter of Sir James Caird's and the accompanying "Times" editorial, and it is this. While the Irish land question was a subject which mainly concerned Irish landlord and Irish tenant, the "Times" furiously assailed those who dare to deny to Irish landlords their right to exact even rackrents from the poorest of the Irish peasantry. Over and over again have I been denounced in its columns for teaching what it called a doctrine of robbery and plunder, even when, as in the early years of the League agitation, I, in common with others, urged that Griffith's valuation should be the

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standard of rental obligation. But when in 1836 Mr. Gladstone's proposal for the buying out of the Irish landlords' interest involved some risk to direct English interests then the "Times" discovered that in more than half a million of holdings in Ireland there was no landlord property worth purchasing, or that would give any security for an advance of money out of the pockets of the British taxpayer. My Lords, I may be pardoned for dismissing this matter with the remark that this attitude of the "Times" was unequivocally English.

My Lords, I have one more purpose to serve with the Attorney-General's return of evictions and agrarian crime from which I have already quoted before passing to other subjects. I am only dealing now with the province of Connaught where the land agitation began. I have observed that the report I am again referring to only begins its column of agrarian outrages for county and province in the year 1877, which it continues down to 1886. Taking the two years preceding the origin of the land agitation—those of 1877 and 1878—we have for the province of Connaught a total of 178 agrarian outrages, or an average of 89 for each year. What are here termed agrarian outrages include of course the crimes which are mentioned in the return which cannot reasonably be taken as agrarian in character. The outrages I am now dealing with are the lesser ones, such as threatening letters, &c. Applying this average to the eight years previous to the foundation of the Land League we find a total of 712 outrages of an agrarian kind. The numbers of persons evicted during the same period of eight years in the same province was 6,543. Of these 1,460 were re-admitted, leaving in round numbers the complete eviction of 5,000 persons from 1871 to 1878 inclusive, in Connaught.

Now, taking the eight years following the period of land agitation, that is from 1879 to 1886, the Attorney-General's report shows that for the same province there were, allowing for re-admissions after eviction, over 20,000 persons turned adrift from holding and home, or four times the number evicted the previous eight years. Through the same period the number of agrarian outrages in Connaught rose from 712 over the previous eight years to 4,181, the latter eight or six times the number. Taking the gross number of evictions for both purposes without deducting the re-admissions in either case, but reasoning as I hold I am justified in doing, that the knowledge of an impending eviction will be calculated to fill men's minds with revengeful thoughts and dispose to the commission of crime before the certainty of re-admission after eviction can be known, we find the number of evictions to be six times greater from 1879 to 1886 than from 1871 to 1878 in the province of Connaught, while we likewise find the number of agrarian outrages in the same province six times more numerous also when comparing the period of the greater with that of the lesser number of evictions.

While I am not going to claim for these calculations absolute accuracy, I invite Sir Henry James to adopt this line of treatment with the figures of his own report with reference to that province in which he says the Land League had its birth, and compare the evictions and outrages with each other within the respective periods included in my calculation, and then explain, if he can, the remarkable co-relation which I have established between what I call the outrages perpetrated in landlord's interest upon the homes of the people, and the retaliatory outrages committed against the law by the victims of landlord extermination.

I am perfectly well aware, my Lords, that when I use the expression "outrage against the people's homes in the interest of landlords," I am attacking the exercise of the law in Ireland, and that I cannot expect your Lordships to freely accept that language as warrantable in this Court. Your Lordships have, I presume, to deal with the law as it is, whether it be good or bad in its ultimate consequences. An eviction, no matter how harrowing in its details, or how injurious materially and morally in its ultimate effects, would be to a judge in an ordinary case who sees such eviction carried out by due process of law, an act which it is wrong and criminal to resist in a law-abiding community. But, in this investigation, dealing as your Lordships are with a virtual revolution, which has succeeded in changing what was the law of land tenure of 1880 into such as it is to-day in Ireland, it may be that facts and occurrences which would not ordinarily appeal to your Lordships' minds will, in this instance, find consideration in the final decision which it will be your Lordships' prerogative to give. An eviction, judicially considered, is but a process of law in Ireland. But it was once a process of law in the same country to hang a priest for the crime of saying mass. It was once a process of law to compel a Catholic

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tenant, under penalty of eviction, to pay tithes to a Protestant minister. It was even so late as 20 years ago a simple process of law to evict a tenant without cause or compensation, if the landlord so inclined. The administration of each and all of these laws, and of numerous other laws which could be enumerated, caused discontent, disturbance, and crime in Ireland, and on that account such laws have been repealed. The judges of those days had to defend and uphold the justice of such laws, but time declares they were unjust and oppressive laws, and no man dare now propose to have them re-enacted. I contend, my Lords, respectfully that the exercise of the law in the carrying out of an eviction in Ireland to-day is an injustice; that it takes from a tenant the home which he or his predecessor in title built by their own means; that it deprives human beings of the use of one of the elementary necessities of life, of a natural agent which Providence has created for man's use and sustenance, and not for class misuse or monopoly. I hold these facts to be indisputable, and taking cognizance of the further facts that land in Ireland, through the absence of alternative industry, is the only labour-providing resource of three-fourths of the population; that a deprivation of such a source of employment may mean the pauperism of the workhouse or the choice of expatriation, I further charge that evictions in that country are productive of hardships, misery, and crime, which would not exist if the change in the land laws of Ireland which the Land League demanded in 1880 were carried into effect.

Furthermore the land system implanted in Ireland by England has never recommended itself, either to the genius or necessities of our people. It has never, in the language of John Stuart Mill, received the moral sanction of the people of Ireland. They have always and ever been in warfare against it since its first introduction, as a fruit of conquest, amongst them. It has never adapted itself to the characteristics of our race. It was a code made for us by another race, differing in habits and disposition from ours. Landlordism was not a law passed by the people of Ireland for the regulation of the country's tenure of the soil. It has been truly said by one whose views will, I am sure, have respectful consideration from your Lordships, Lord Coleridge, Lord Chief Justice of England, in Glasgow, I think, in 1887 (it is a short quotation and I am sure your Lordships will pardon me for adding it to the few I have already given):—

“ It seems an elementary proposition that a free people can deal as it thinks
 “ fit with its common stock, and can prescribe to its citizens rules for its enjoy-
 “ ment, alienation, and transmission. Yet in practice this seems to be anything
 “ but admitted. There are estates on these islands of more than a million acres;
 “ these are not very large, it is plainly conceivable that estates might grow to
 “ fifteen million acres or to more. Farther, it is quite reasonably possible that
 “ the growth of a vast emporium of commerce might be checked, or even a whole
 “ trade lost to the country by the simple will of one, or it may be more than one,
 “ great landowners. Sweden is a country, speaking comparatively, small and poor,
 “ but I have read in a book of authority that in Sweden at the time of the Refor-
 “ mation, three-fifths of the land were in mortmain, and what was actually the
 “ fact in Sweden might come to be the fact in Great Britain. These things
 “ might be for the general advantage, and if they could be shown to be so, by all
 “ means they should be maintained. But if not, does any man with anything
 “ which he is pleased to call his mind deny that a state of law under which such
 “ mischief could exist, under which a country itself would exist, not for its
 “ people, but for a mere handful of them, ought to be instantly and absolutely
 “ set aside.”

My Lords, if the people of Ireland were a free people they would adapt the land laws of the country so as best to serve the interests of its chief industry, agriculture. It would be the security and material well-being of those who cultivate the soil which would influence a national Parliament in framing a land code, and not the privileges or self-aggrandisement of a non-producing section of the community. No such law as that so emphatically condemned by the Lord Chief Justice of England would be passed by an Irish legislature.

My Lords, the absolute dependence of the entire community upon the labours of the agricultural classes, whose labour is of the hardest kind, demands from the State a

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consideration and a protection against class interference which would give the food producers of society a feeling of security greater than what is required by any other class of workers in the industrial economy of the nation. Their work is not measured by Civil Service houses. Their lives are spent away from the pleasures of city existence. They are the nearest in every sense to the rude rule of nature, and remain subject to the rigorous necessities of that rule from the earliest years of toil to the close of life. Yet these agricultural classes in Ireland have been left until recently a prey to the most useless class—in an economic sense, and the most profligate in a moral sense—that any civilised society produces. The all but incessant labour of the farmer has been unjustly taxed, his home has been neglected or violated, as landlord greed determines. Penalties have been put upon efforts at domestic comfort. The observance of the law of hospitality has been punished, and all because a privileged non-producing body of men required more rent with which to enjoy lives of luxury which the rent-earners could never possibly taste. I have referred, my Lords, a few moments ago to evictions as they are viewed in the light of the mere execution of the law. But whether law-makers, Government, or society like it or not, the turning of families out of houses built by themselves must be considered from a human as well as from a purely legal point of view. It is but an acknowledged truism to say that no people on earth are more attached to their homes and to the land upon which they are built than the people of Ireland. They are accounted by some a poetic, a romantic, race, full of imagination and of the deep passionate feeling in love or hate which gives them so marked an individuality among nations. An eviction in Ireland is not the thing an eviction in England is. Here a tenant who is turned out of his holding can go into the nearest manufacturing town and get employment of some kind for himself and children. In Ireland there is no such alternative. An eviction there means not only the deprivation of a home to a tenant and his family, but the loss of the only means by which a living can be earned in their Fatherland. True, the house from whence they are ejected may be poor and squalid and mean, but it has not the degrading stigma which is attached to the workhouse. It represents to a small extent only, it is true, that social independence to which the poorest of mankind aspire to attain in a more or less degree. The dwellings of the Mayo peasants are doubtless lacking in all the comforts and conveniences known to the wealthy abodes of society. They are more or less open to the chilly blasts of winter when the shelter of a home is doubly dear to us all. But though they are wanting in nearly everything which makes the habitations of the rich a means of enjoying the luxuries of life, these humble mud-wall dwellings are after all *homes*, round which the holiest influences of our lives cast a spell that binds our hearts to their bare and rugged walls. Within these Mayo cabins a mother's dying blessing may have been given. The place itself may have been the work of a dead father's love and labour when preparing a home for the partner of his choice. Memories and associations as dear and as sacred as even these may also cause the affections of the inmates to cling to the hearthstone that is hallowed by so many endearing ties. And all these, the purest and best of poor weak human nature's attributes, its domestic virtues, are trampled upon and outraged when the decree of eviction crosses the threshold of the dwellings of the poor. And is it any wonder, my Lords, when looked at from this human point of view, that when all which is pure and noble in our nature is thus trampled upon in the interest of a person who may never have seen that cabin home, or known anything of its inmates, is it any wonder that what is dark and evil in our nature should be appealed to and aroused, and that we should fly to what Lord Bacon has called the "wild justice of revenge."

I have opposed the law which enables Irish landlords to tax the labour of the poor of Ireland, and to tumble down their homes if this tax be not paid. I for one meant the Land League to completely uproot this law, and in so far as this work has been accomplished through the agency of the League, will it deserve and receive some day a meed of praise that will more than compensate those connected with it for the libels of the "Times."

My Lord, no general questions addressed to the agent, landlord, and constabulary officer witnesses for the "Times," were more persistently put than those which inquired if they had ever known of the preparation of certain classes of outrage before the birth of the Land League. Your Lordships are, I am sure, familiar with these questions. They are something as follows: "Did you have any difficulty in getting your rent before 1879? No, none whatever." "Did you ever hear of persons being fired at

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“ or intimidated for the payment of rent? Oh no, not before the Land League.”
 “ Did tenants ever before come with their rents in the nighttime, and say they did so
 “ in fear of being seen? Oh, never.” “ Was the taking of evicted farms unpopular
 “ before 1879? Not at all. Quite the contrary.” “ And did you ever hear of moon-
 “ lighting in Kerry or anywhere else until you first heard of the Land League?
 “ Never heard of any such thing before.”

These, my Lords, were some of the questions addressed by learned Counsel on behalf of the “Times” to witnesses immediately interested in Irish landlord property or Dublin Castle rule who came before your Lordships. The object of these questions and answers is obvious. They were meant to show that the character of the outrages of the past ten years was developed by the land agitation which began at Irishtown. It was sought to be shown that organised opposition to rent was a veritable new departure in Irish agrarian troubles; and that all the other offences and deeds embraced between boycotting and moonlighting, and which have been minutely particularised here, were the offspring and undeniable results of the teaching of the Land League. Evidence given by witnesses for the defence has amply dispelled this illusory picture of pre-Land Leaguite agrarian peacefulness and freedom from turbulent and varied opposition to landlordism. Sir Charles Russell has disproved the answers of the “Times” witnesses referred to, by quoting from the report of the Devon Commission and from Sir George Cornwall Lewis’s book on the Local Disturbances of Ireland. I should wish, only I know I would be tiring the Court to add to this testimony, but instead of reading from the same book, I will simply refer to the pages. At pages 22, 23, 24, 34 and 35, 40, 43, 73, 82, 93, 96, 108, 111, and 115 in Sir George Cornwall Lewis’s book, particulars are given of people being attacked for having taken land out of which others had been evicted; intimidation practised against the taking of land; the unpopularity of rent to the landlords, and all and every outrage gone into before your Lordships in this Court. Then in the “Times Red Book” published in 1880; which I intended also to quote here, I find that on pages 127, 150, 152, and 156 these midnight attacks, unpopularity incurred by taking land out of which others had been evicted, and all the kinds of crime familiar to your Lordships now are proved to have been committed in Ireland 20, 30, 40 years ago and proved by the “Times” itself in the columns of its paper.

I will now trouble your Lordships with a few instances of this from the “Times” instances that are not particularised in the Red Book, but they cover various periods from 1850 down to 1886; and I think it is material that I be allowed to prove out of the “Times” itself. I shall refer to no other authority to prove that all these crimes that have been charged against the Land League, and which, according to the “Times,” never existed in Ireland before the Land League, occurred from time to time during the last 20 and 30 years. I will not read all the articles. I will just refer to them. In the “Times” of the 25th December 1850, there is an article, or rather a communication, I think, from its Dublin correspondent that a farmer in Armagh found it necessary to make his visit at night to ensure secrecy in the payment of his rent. Then from the same Dublin correspondent of the “Times” of the 2nd August 1850, page 4, there is an article headed “The Anti-Rent Campaign,” and particulars are given about movements against the payment of rent in different parts of Ireland. Then in the “Times” of the 28th February 1850, under the heading “State of the North,” the Belfast papers report outrages upon landgrabbers, or at least upon people who took land. The term landgrabber is not used, but the thing is just the same. Then in the “Times” of the 2nd April 1851, in the county of Down, there is an account given of a party of men coming to intimidate farmers at nighttime, because the tenant preceding the present occupiers of these houses and lands have been ejected for non-payment of rent; and then a man went into the place after the eviction had occurred, and this man came to intimidate him, and cause him to give up the farm. The article concludes:—

“ All parties are warned on penalty of death not to take the vacant houses and
 “ farms. Bodies of men at night traverse the country to the terror of the
 “ peaceable portion of the people.”

Then in the “Times” of the 17th of March 1852 there is an article on agrarian crime and assassination in Ulster, giving a very lurid picture of Armagh and Fermanagh and other counties. One sentence I will just read from this article—

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“ The witnesses are terrified and will not give evidence. The jurors are
 “ terrified and will not find verdicts against the ruffians who have committed
 “ these crimes. Under these circumstances Mr. Napier applies to Parliament for
 “ a select committee to inquire into the cause of outrage and crime in the
 “ counties of Armagh, Monaghan, and Louth, and into the efficiency of the law
 “ for the suppression of these evils.”

Then, my Lords, in the identical copy of the “Times” which gives this picture of Ulster counties 37 years ago and 30 years before the birth of the Land League, there is an outrage reported from the county of Clare, to the effect that a Mr. Creagh was fired at because he had taken part of the lands of Tredahow surrendered by a man named Casey, and was to have come into possession on the 25th of the present month. Then in the “Times” of the 24th of March 1865, page 10, column 3, there is from the Dublin correspondent an account of Donegal juries refusing to convict a man charged with an agrarian murder, and it seems from the article that no Donegal jury could be got to consign a man to the gallows for executing the “wild justice of revenge.”

Then in the “Times” of January 15th 1870, there is an account of moonlighting in Mayo. It is not exactly called moonlighting, but this is what is said:—

“ Agrarian outrages are still reported. A correspondent of the ‘Freeman’
 “ states that on Sunday night a man named Higgins, residing at Swineford, Co.
 “ Mayo, was dragged out of bed by an armed party, who ‘comed’ and ‘carded’
 “ his face and other parts of his body, lacerating him severely, because he offered
 “ to take some land from which tenants were to be evicted. Threatening
 “ letters continued to spread alarm in the County Meath and other parts of the
 “ country.”

Then, my Lords, in the “Times” of January 21st, 1878, page 8, column 1, there is from the Dublin correspondent an account of intimidation being practised with reference to the taking of land. Then, my Lord, there is in the “Times” of December 31st, 1886 an article, which I will crave the kind permission of the Court to read, because it is remarkable altogether appearing in this important paper so late as the 31st December, 1886, in fact at a time when negotiations must have been going on between the “Times” and Pigott and Houston about the letters.

“ It is curious, in looking through a series of letters on the condition of
 “ Ireland 40 years ago, contributed to the ‘Times’ by its commissioner in the
 “ course of a tour extending over a period of five months, to find how much
 “ would be a true description of the present state of things in that country:
 “ Tipperary seems then to have occupied the unenviable position lately attained
 “ by Kerry of being the most disturbed county in Ireland. Outrages and
 “ murders were of frequent occurrence, the cause being invariably agrarian. The
 “ writer of the letter in question tells of one gentleman who was building a
 “ residence for himself and an agricultural school for his tenants, and giving a
 “ large amount of employment, but who was obliged to walk about his estate
 “ with two men armed with guns to protect him, to have ball-proof window
 “ shutters to his house, and two armed policemen to guard his steward, because
 “ on the falling-in of an old lease he found his land in such a wretched condition,
 “ and the tenants upon it so miserable that he bought them out by agreement.
 “ Having escaped six shots, this gentleman was generally known in the neigh-
 “ bourhood as the ‘woodcock.’ He tells of a land agent who was in the habit of
 “ taking two boys, one before and one behind him, on his horse when riding
 “ through the country, so that he could not be killed without one of the boys
 “ being shot. He tells of an English gentleman who had lately succeeded to a
 “ property near the town of Tipperary, and who after living for three months
 “ upon the estate, during which time he was ‘most kind’ to his tenants in giving
 “ them lime and slates for their houses and land, received a notice precisely
 “ similar to the threatening letters of to-day, save that the Moonlighters appear
 “ then to have gone by the name of Starlighters; and the writer of the ‘Times’
 “ gives a simple letter:—

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“ Sir,—I take liberty under Captain Starlight’s law to truly inform you that
 “ I am bound on my solid oath to keep up the following law. You are counted a
 “ good landlord, and were it not for that I would not put you in possession of
 “ what you are going to hear, nor would I expose myself by giving you this,
 “ and of course must encounter with you hereafter.

“ NOTICE.

“ There did twelve of us sit on a jury, and agreed on, that if you were left in
 “ Old Castlelong that you would be a good man to some and a very bad man to
 “ more of us. We agreed on the above captain’s law to remove you either (dead
 “ or alive) which we all drew lots, with the exception of one, for to know whom
 “ should take your life, and be joined with two more, if necessity requires it. Now
 “ the lot fell to me to undergo the task and whatever two I choose to take with
 “ me.

“ It is still in my power to notice you once before I commit the deed. I
 “ therefore notice you under my authority for to quit Old Castle with health as
 “ you came with it, and is sorry to the heart that we left you so long as we did,
 “ but we must make bad good now. So you must be accessory to your own death
 “ if held with opposition as much as I am for shooting you.

“ I therefore the third time bid you quit if you like or remain if you dare,
 “ for if you do I will make you acquainted with small English powder and Irish
 “ slugs when you may think you are safest. You know you gave plenty of
 “ opportunity to us, but we did not agree on taking your life until this time.
 “ Now we are left but a very short time to undergo our task, and that we will
 “ do faithfully if put to it. I will make you know what a Paddy mouse is with
 “ a blunderbush in his hand. Perhaps you may laugh at this and say it was
 “ some cowardly blaguard moted it. Do that if you like or if you dare.

“ Given under our hand,

“ CAPTAIN STARLIGHT.

“ „ CLARE DO.

“ „ TO THE POOR.”

And then the writer in the “ Times ” goes on : —

“ The same writer saw a schoolmaster walking about the town of Tipperary
 “ followed by two armed policemen because he had resisted an attack upon his
 “ house by some men in search of arms, and though fired at and wounded,
 “ succeeded in killing one of his assailants and securing the conviction of another ;
 “ but instead of his courageous resistance carrying with it the sympathy of the
 “ people, their sympathy was with the cowardly ruffians who attacked him, and
 “ if not guarded by the police he would, we are told, have been murdered, a
 “ case precisely similar to that of the persecuted Curtins. He gives several
 “ other instances of farmers, labourers, landlords, and agents who were obliged
 “ to have their lives protected by policemen while following their vocations, and
 “ goes on to observe that these outrages had for their object a system of
 “ terrorism which should set the law at defiance, and that they were directly
 “ fostered and increased by the repeal agitation then going on. The small
 “ farmer, he says, expected that if he got repeal he would secure the possession
 “ of his land without acknowledgment or rent to anybody, and under this
 “ impression a code of terrorism was encouraged which resisted not only
 “ ejectment from land, and the payment of arrears of rent, but which forbade
 “ the turning away of a servant, resisted the payment of debts, prevented the
 “ giving of evidence, and punished the assertion of every right, with the threat
 “ of violence or death which was almost invariably carried out. When this is
 “ the case who can wonder it is pertinently asked that men of capital will not resort
 “ here, that landlords who can afford to live elsewhere will not live here and that
 “ the country does not prosper.”

Then the article concludes as follows :—

“ How truly might all this be written of the Ireland of to-day.”

Well, now, my Lords, I think that is very significant testimony coming from the
 “ Times ” that all these crimes, moonlighting, opposition to officers of the law,

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necessity of landlords and others being protected by police—this proof out of the “Times” that these things were done years before the Land League was ever heard of, and the “Times” itself contradicts in this very article the answers given by its witness in that box to questions put directly by counsel for the “Times.”

Then, my Lords, I come now to consider several specific charges made in this case, one of which is that the funds of the League were habitually used to pay for outrage and to procure the escape from justice of criminals. This charge is amplified at pages 154 and 253 of *O'Donnell v. Walter*, where it is stated that Egan after resigning the League treasurership held funds with which to enable the Phoenix Park murderers to escape to America. At page 254 of the Blue Book it is asserted that on the 18th of February 1883, Mrs. Byrne and Mrs. Byrne's sister-in-law had returned from Ireland with 200*l.* from Egan to enable the whole gang of Invincibles to escape to America, and that on Mrs. Byrne's discharge she received more money from Egan. In the official report, at page 13, the Attorney-General declared that:—

“Many of those whose names are included in these particulars knew, and
“ must have known, that sums of money were being paid, not in an exceptional
“ instance, but over a long period of time, to persons who were engaged in
“ carrying out the acts of violence and crimes to which I have referred.”

Then at page 186 the Attorney-General says:—

“I think it will appear that an emissary of the Land League, an agent of the
“ Land League, used to get the money from the treasurer, either Mr. Biggar or
“ Mr. Brennan, or Mr. Egan, either one of the officials who might be in charge,
“ used to take down the money, 20*l.* or 30*l.*, and having received the money, of
“ course, from Mr. Biggar or any of the other officials who handed it, used to
“ take down the 20*l.* or 30*l.* in the district, and then distribute it locally to the
“ men who were going to carry out the outrages.”

Clearer or more detailed charges than are made in these quotations could not be put into words. But where, my Lords, are we to look for any the least corroboration of them in the evidence submitted by the “Times.”

In two places and two only; one is where, at page 1873, Delaney the informer swears that the eight forged letters from Egan to James Carey were genuine, and the other is at page 3039, where Pigott's account of an alleged interview with Eugene Davis is made by Houston to detail the imaginary connexion between the League and the perpetrators of crime.

As this concoction of Pigott's appears to be the basis of all the charges levelled at the League, affirming it to have been paying for the perpetration of crime, I will read a few extracts from it to show where the Attorney-General's information and evidence came from. I believe your Lordships have this bogus Pigott-Davis interview in your minds.

(*The President.*) I remember it.

(*Mr. Davitt.*) You have it, my Lord.

(*The President.*) Yes.

(*Mr. Davitt.*) Then I pass it by. Not a single word of evidence outside of Pigott's forgeries has been adduced here by the “Times” to sustain or even to lend the colour of probability to this monstrous charge.

Mr. Biggar, who has been treasurer of the Land League with Mr. Egan, was never even asked while in the witness box if he had ever given money or known money to be given from the League for the perpetration of crime or outrage.

And he has denied on oath the infamous allegations contained in this charge, than which a fouler or more malignant one was never put forward against public men. Bank books have been examined, League accounts scrutinised, branch documents produced, and every other available means employed by the accusers that could bring such facts as they allege to light if they existed, but all which they leave on the records of this inquiry to justify their charges are the forged letters and the concocted Davis interview of Richard Pigott.

Nor will the circumstance of one or more Land League books not having been produced enable the accusers to fly for refuge to the argument of suspicion after failing to make forgery sustain their charge.

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They allege over and over again that the Land and National League are practically one. What they charge against the Land League they likewise allege against the National League.

And mark, my Lords, after specifically formulating this charge that the League "paid sums of money, not in an exceptional instance, but over a long period of time to persons who were engaged in perpetrating crimes"—I am quoting from the official report, page 13—counsel for the "Times" never once asked Mr. Timothy Harrington while in that witness-box a word about any such use of League money. Mr. Harrington has been secretary of the League for some nine years, from the 17th of October 1882 to the present hour.

He had with him and produced on subpoena every book of the League, cash books, bank pass books, cheque books, minute books, letter books, covering the whole of this time, yet never a one of these was he asked to open, never a leaf of one of these was he requested to turn over by counsel for the "Times" while he was in that witness-box.

This one fact, my Lords, speaks for itself, and speaks a most eloquent refutation of the charge I am dealing with, and which I feel sure would never have been made if the "Times" believed it would ever be compelled to produce Richard Pigott, the origin of all these allegations, in a court of justice.

With reference to Mr. Harrington, I do not think it necessary to make any comments upon the evidence of the wretched man O'Connor, who swore that he received money or promises of money from Mr. T. Harrington with which to intimidate by violence certain electors in a poor law guardian election in Kerry. I am sure your Lordships have that incident in mind; the same witness also alleged that two letters were sent to a branch of the National League by Mr. Harrington, one declining to make grants to evicted tenants owing to the disturbed condition of the district, while the other and more private letter enclosed money, and encouraged the perpetration of outrage.

Mr. Harrington has met this charge in the most conclusive manner possible.

The first letter was genuine; the second was never written, and the miserable man who first made this charge made it on his admission here, I think, in the office of the I.L.P.U. in Dublin, and for a promise of money, providing, to use his own expression in his letter to his brother, "he would prove queer things" against Mr. Harrington and others.

I believe your Lordships have received, through a most respectable solicitor in London, a confession from the man O'Connor, in which he declares there was no truth in his evidence here, and that he told the story we listened to in that box in order to obtain from the I.L.P.U. or the "Times" enough of money to enable him to get medical assistance for a broken-down constitution.

For the miserable creature who resorted to such means in a desperate struggle for life there is some room for pity, but for Piggott and Houston and others who have been willing tools in this conspiracy I have totally different feelings, and would use other language, only that I have too much respect for your Lordships' Court.

Now, my Lords, I come to the Timothy Horan letter, and upon this letter and cheque what a world of imputation may not be founded in the manner in which all the "Times" charges are sustained. Here it is in "Times" logic. A letter supposed to be asking 6*l.* from the Land League for medical assistance for some men supposed to have been wounded in some supposed nocturnal adventure with the police, is got from one Phillips, an ex-Land League clerk. Thousands of letters were received by the Land League from all over Ireland, according to Phillips. Therefore, the Land League paid sums of money over a long period of time to persons who perpetrated outrage and crime. That is the way in which the "Times" reasoned on these premises. This kind of reasoning did very well for the "Times" until its major premises in a similar proposition was put a little out of joint, with its conclusion by the explosion of the forged letters. But charges resting on reasoning, which bases its conclusions upon suspicion and not upon clearly established facts, will not impose upon your Lordships' judgment.

The Timothy Horan letter is the only document, not forged, produced in this Court, to even indirectly connect the Central Land League with the payment of money to

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men who are alleged to have been engaged in crime; and the 6*l.* thus paid is the only money of the Land League that evidence has traced to men in the circumstances described in the letter. This letter is found at page 4841 of the evidence, and I am sure that it has received your Lordships' most careful attention, because I can recollect with what forensic eloquence all the leading counsel for the "Times" flourished that letter and asked questions about it, and based suspicions of any number upon it.

Now, my Lords, taking this letter in its worst light, or best rather for the "Times" case, what does it amount to when rationally considered. Some men belonging to some body, clearly not a branch of the League, as shown by the expression of "that society" used in a letter from the secretary of the Castleisland Branch of the League to J. P. Quinn, or acting secretary pro. tem. of the Central League in Dublin. It cannot be contended that these wounded men were members of the League.

What "that society" alluded to was, we are left to conjecture. It may have been a party of Fenians drilling, or possibly moonlighters out upon some criminal proceeding. But we have no clear evidence in the letter itself, and unfortunately, Timothy Horan, who could throw most light upon the subject, is dead.

It is evident from the letter that among those who knew who these wounded men were, there was a doctor, and a Catholic clergyman; but as these two gentleman may have come by their knowledge professionally, they could not fairly be asked to divulge names so discovered.

But upon the fact that Horan asked the money to be sent either to himself or to the Rev. John Hallagan, I think it is only reasonable to assume that the money was applied for more in the way of medical charity than as any reward for whatever raid the wounded men may have been engaged in. The expression "they proved to be heroes" must be taken in the hyperbolic sense in which an Irish peasant speaks of the most common-place occurrences. In a letter asking for relief for some labourers out on strike, which is found at page 2859, the writer speaks of them as "brave fellows." Our people are prone to use big words, and to apply terms of superlative eulogy to the most ordinary acts. An average public speaker becomes "Demosthenes." A lawyer of a few months' experience who wins a lively case is compared with O'Connell or Brougham, while the clerical organisers of a country or a province are compared with Curnot as organisers of victory. But, my Lords, there is another consideration arising out of this letter which is pertinent to my argument. It was not addressed to the Land League, but to one of its clerical staff, who it appears from the terms of the letter, had had a conversation with Horan about the occurrence referred to at some time previous to the writing of the letter.

Mr. John Ferguson, of Glasgow, whose initials were on the back of the letter, has been examined with reference to this transaction; and his direct evidence relating to the letter will be found at page 4826, and his cross-examination thereon by Sir Henry James from 4840 to 4845.

As I think it very important to quote Mr. Ferguson's language in giving his explanation of this transaction perhaps your Lordships will allow me (unless your Lordships have clearly in your minds what he said) to read it. He said that if he had known that this was an application to reward men who had been engaged in any criminal act he certainly would not have made any such grant. He then expressed his belief that in the hurry of the business of the League at the time, and on the eve of its suppression that this letter did not attract full attention. He himself could not call the letter to mind. He had no recollection whatever of it, but he said, I think in answer to Sir Henry James, that if an application came before him for money to get medical assistance for men who had been wounded by the police, that he would have no hesitation in subscribing such money himself, though he would hesitate in supplying the funds of the League for even medical charity.

That is the gist of Mr. Ferguson's position with reference to the letter, and my reading of his answers to the questions put to him will not make it any clearer for your Lordships.

At pages 4842, 4844, and 4845, Mr. Ferguson gives further evidence with reference to the letter, and expresses fully his own views as I have tried to summarise them in my remarks.

He has no recollection of the letter whatever. He acknowledges that his initials are on the back of it. He says the date on which the grant was made was on the eve of the expected suppression of the League, that the business at the executive meeting

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would consequently be hurried and applications from branches or persons would not naturally receive due or ordinary attention.

While, with reference to the "Times" reading of this letter he declared that, if such a letter came before him, even for medical assistance only, for men who had been engaged in crime, he would not agree to advance League money, though he would personally subscribe on the score of charity for medical aid for persons wounded, no matter who they were.

These, my Lords, are the facts and suppositions surrounding this famous Timothy Horan letter and cheque.

What they prove against the persons charged or against myself who was at that time reposing in an atmosphere of innocence in Portland Prison, I do not, as a layman, know.

But I venture to assert as a layman's opinion that the finding of this one letter among hundreds of letters addressed to the League by all sorts and conditions of men, no more proves that such letters were of a similar character, or that the League Executive ever voted money for a criminal purpose, than my presence in Portland at the time proved me to be one of the 1,600 thieves and pickpockets incarcerated in that establishment.

The witness Alexander J. Philips, who gave this letter to Mr. Soames, gave certain answers with reference to this letter at page 6272, and I will just satisfy myself by calling your Lordships' attention to where these answers can be found.

Now, my Lords, having made these observations about the Timothy Horan letter and cheque, and leaving to your Lordships' experience, and of course infinitely better and clearer judgment, the task of saying what this letter and this cheque prove or do not prove against the Land League and myself, I will before entering into a few other charges, which I hope to dispose of to-morrow, ask your Lordships kindly to adjourn.

Adjourned till to-morrow at 10.30.

“*Uncorrected Proof.*”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
 PROBATE COURT, No. 1,
 Thursday, 31st October 1889.

(*Mr. Davitt.*) My Lords, I was making a few observations last evening upon the charge made in Parnellism and Crime, and repeated by the Attorney-General here, and which will be found at page 186 of the official report, the charge that money was paid in various sums from time to time by the Land League and the National League for the carrying out of crime. Under that head I dealt with the Timothy Horan letter and cheque. Then, my Lords, with reference to this charge, I have a few words to say about a witness named Farraghar whom your Lordships will probably remember. He was in the box I think for a couple of days, anyhow for a fairly long period, and from the beginning to the end of his examination there was not a word about grants of money by Mr. Biggar or anybody else for the perpetration of crime or outrage, and surely if, as has been alleged by the Attorney-General, agents of the Land League used to get sums of 20*l.* or 30*l.* from Mr. Biggar, or Mr. Egan, or Mr. Brennan for that purpose, and if this money was distributed, as the Attorney-General has said, among persons employed to commit crime, some knowledge of that fact would have percolated to the ears of a man who swore he was in the Land League office in daily employment from May 1880 to October 1881, and who also asserted in the witness box, that he had been sent on confidential messages by Mr. Egan to Mr. James Mullett. The fact that Farraghar has not said a word to corroborate the learned Attorney-General's statement, added to the other fact, that neither has any other witness, respectable or disreputable, disposes, I hope, most effectively of this imputation. And finally, though large numbers of Land League documents have been read, for instance in Farraghar's evidence from page 2033 to page 2042, and again from page 2049 to page 2052; and by Sir Henry James from page 2072 to page 2083, and again by Sir Henry James from 2130 to 2153, and during Mr. Soames' evidence from page 2857 to page 2875, nearly all of which documents related to payments of one kind or another by the Central League, while its responsible leaders were in prison, and yet there is not a single document of all these that can be construed into a payment, or a request for a payment for the perpetration of outrage or crime. Documents there are, I admit, among these which relate to the defence of prisoners in various parts of the country, and to this matter I will refer later on; but, I affirm that the Timothy Horan letter and cheque stand alone in the entire evidence. How much of legal guilt there may be in the transmission of the 6*l.* under the circumstances related I cannot say. If the letter appealed to Quinn for money with which to provide men with the means of committing crime, or as payment or hire for that purpose, or even as a reward for having been moonlighting, there might, though I do not know, be in such facts legal proof against leaders who may have known no more of Quinn's recommendation than your Lordships. But as the money was not asked for in Horan's letter on any of these grounds whatever, I affirm that the letter in question can form no reasonable or fair proof of any criminal purpose, or of sympathy with men engaged in such, against the persons here charged, most of whom were, I believe like myself, under lock and key in prison, at this very time.

Another charge, my Lords, which relates exclusively to Mr. Parnell, calls for a few remarks, although I am in no way representing or speaking for Mr. Parnell here. I will, however, refer your Lordships to contemporary evidence which completely refutes the allegation. The charge is:—

“That at the time of the Kilmainham negotiations Parnell knew that Sheridan
 “and Boyton had been organising outrage, and therefore wished to use them to
 “put down crime.”

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At page 55 the official report in the opening statement of the Attorney-General he elaborates and explains this charge. Mr. Parnell has fully answered this charge in his evidence, and I am sure I need not trouble to call your Lordships' attention to it. I will simply read a letter addressed to the public press by William Henry commonly called "Captain" O'Shea the day following Mr. Forster's speech in Parliament in which he alleged that Mr. Parnell must have had some knowledge of Sheridan's doings in the way of organising outrages. In that letter Captain O'Shea directly contradicted Mr. Forster, who asserted that he never told him that Mr. Parnell had told him, O'Shea, that he had any knowledge of Sheridan being implicated in the way of promoting crime in the West of Ireland.

With reference, my Lords, to Boyton's name, there has not been one word of evidence given here to connect him with any outrage whatever. He made some violent speeches I admit, as I did myself; but proof there is not a particle in the evidence produced by the "Times" to convict or connect him with the perpetration of crime. Boyton lived here in London from 1882 to 1885, when I believe he emigrated to South Africa, where I understand he is living now.

Now, my Lords, with reference to what are called the missing books, I have no doubt that Sir Henry James will dwell with emphatic comment upon the non-production by the defence of some of the Land League books. That is but natural, seeing how little else but suspicion lies behind his case. I do not think, however, that the non-production of these books can be used with any effect against us unless Sir Henry is instructed by Mr. Macdonald to show how the Land Leaguers of 1882, with their other wicked attributes, possessed the prophetic faculty of actually forecasting the task of this Commission, and deliberately destroying such books as would prove Pigott's figures and accusations to be true. Action of that kind would come up exactly to Mr. Macdonald's conception of Parnellite conspirators, but fortunately for us the public is not as wise as the manager of the "Times."

My Lords, we were not charged in *O'Donnell v. Walter* with misappropriating Land League books or charged with bad book-keeping. The defence has produced all the books which could be found after a lapse of seven years. These books have been here and have been inspected. For my part, and I am sure I can say the same for each person charged, I regret that every book and every document ever possessed by the Land League has not been forthcoming. They would be an extra vindication of the accused from the charges of the accusers, from the fabrication of Pigott, and the concoction of Mr. Houston and his fellow conspirators in the I. R. L. P. U. No human agency—apart from Mr. Macdonald's belief—could have anticipated seven years ago that any tribunal would require an inspection of Land League books. The Land League was suppressed in October 1881. Mr. Parnell and many of the principal persons here charged were in prison. The office of the League in Dublin was demoralised owing to continuous arrests of secretaries and clerks. Rumours of raids upon the offices were rife, and finally the books and papers were carried off apparently by more persons than one. The books, or some of them, went to Liverpool, thence to London, thence, it seems, to Paris. In October 1882 there was a convention in the Ancient Concert Rooms in Dublin, presided over by Mr. Parnell, when the National League of Ireland was called into existence. That convention was fairly represented of the national sentiment of Ireland. To that convention Mr. Patrick Egan submitted a balance sheet or financial statement of Land League accounts. It has been read here and put in as evidence. That statement was read to the convention. The accounts had been audited by Mr. John Dillon, Matthew Harris, and the Rev. Eugene Sheehy. That convention never questioned an item in Mr. Egan's account. It accepted the assurance of the auditors that Mr. Egan had not misused a penny of the Land League funds. The Ireland which upheld the Land League movement did the same. So did the people of America who subscribed most of the funds. All these are facts which cannot be controverted. But it is right to mention that there was one person in Ireland who was not satisfied. His honest and truthful soul saw deception in all this. He perceived that the Irish race had been taken in. His eagle eye became fixed upon Patrick Egan, and he resolved to unmask the fraud which had escaped the attention of those most concerned. His name was Richard Pigott, and it is his writing, and charges, and figures which we have been investigating for the past twelve months. My belief is that when the National League became established, and the Land League had ceased to exist, and when the final statement of Land League accounts had been given and accepted as satisfactory by those who

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alone had the right to judge, the books which were taken to Paris were either destroyed, mislaid, or carried to America. Anyhow their non-production here I have endeavoured to account for in the natural and common sense order, and the efforts that have been made to trace them, and the rational explanation which we have given with reference to the circumstances of the last seven years. I do not see that more can in justice or in reason be demanded from us. Again I say I considerably regret that we have not been in a position to produce every one of these books, and every document and letter that ever came into the Land League office. In this action the secretary of the National League, a body which has had a life of seven years subsequent to the two years existence of the Land League, placed himself in that witness-box and brought into Court, or placed at the disposal of the "Times," all the books and accounts of the organisation, which according to the indictment is the same as the Land League, and which is charged with having paid money for the carrying out of crime. We know the result of Mr. Timothy Harrington's examination and the inspection of the League books. The "Times," which looked for evidence to sustain its allegations, found instead a mare's nest.

Another specific charge, my Lord, is—

"That the Invincibles were a branch of the Land League, and were organised
"and paid by its treasurer, Egan."

The Attorney-General elaborates and comments upon this charge as follows, but I have no doubt your Lordships have carefully read what he said.

(The President.) Yes.

(Mr. Davitt.) Very well, I will pass on. It is needless to remind your Lordships that the charge so explained rests for proof upon nothing more reliable than Richard Pigott's forged letters, and the bogus Eugene Davis interview which I have already read. There is an attempt to corroborate these by a congenial "Times" witness, the convict Delaney, who, like his co-expert in handwriting, William Henry O'Shea, swore that Pigott's forgeries were genuine signatures. I would pass on at once to the next charge, and leave the character of Pigott's evidence, documentary and otherwise, to answer the vile allegations against my friend Mr. Egan, only the game by which he has been villified before the public and in this Court, but especially here, is one which in justice to him I must ask your Lordships to allow me to expose by means of the evidence which was intended to corroborate the statements in the forged letters.

The convict Delaney was the instrument chosen for the backing up of Pigott's letters. His history is well known. He did five years for highway robbery. He was afterwards tried for an alleged attempt upon the life of the late Mr. Justice Lawson, and got 10 years' imprisonment. He was implicated in the Phoenix Park murders, and was sentenced while undergoing the previous imprisonment to penal servitude for life.

He emerged from prison in May 1884 to swear an information before Mr. Molony, the magistrate of Sligo, against one P. N. Fitzgerald, of Cork, who was there charged with treason-felony. On the subsequent trial and acquittal of Fitzgerald in Dublin the jury was so scandalised at the perjury of Delaney that they added a resolution to their verdict of acquittal, stating that Delaney was unworthy of belief on his oath.

His next appearance was in this Court.

With reference to myself he swore as to four matters which were as many deliberate falsehoods—

1st. That I had attended Fenian meetings at the Mechanics' Institute, Dublin, in 1878.

2nd. That on the night of the Rotunda meeting, 30th of April 1880, I supported O'Hanlon and the party of Fenians who came to break up the Land League demonstrations.

3rd. That with Egan and Brennan I afterwards attended a meeting of Dublin Fenian centres, and cemented an understanding between the Fenians' body in Dublin and the Land League; and

4th. That he saw me on one occasion with Daniel Curley in a timber yard in Dublin.

These statements I have sworn before your Lordships were one and all deliberate lies, and I reiterate the same statement here. At page 1856 of the evidence he swore

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first that he heard of the Invincibles the latter part of 1881. On the same page he swears that Patrick Egan and Thomas Brennan were the principal leaders of the Invincible organisation. At page 1859, questions 34,607 and 34,608, he swears that the Invincibles got their money from the Land League and Patrick Egan. At 34,613, the same page, he swears that James Mullett got 50*l.* from Egan, and lower down on the same page he declares that James Carey and others received money likewise from Egan. Then to give so circumstantial and so veracious a witness an opportunity of substantiating what he had thus sworn, counsel for the "Times," at pages 1872 and 1873, kills two birds with one stone by getting Delaney to swear that the eight letters alleged to have been from Egan to Carey and Mullett and others were genuine letters, bearing the signature of Patrick Egan. Pigott's confession had not yet been made. Amounts of money equal to those sworn to by Delaney are found mentioned in the forged letters of the 11th March 1882, 8th October 1881, and the 25th of October 1881 as being sent by Egan to Carey, Mullett, and others. Then the Attorney-General gets Delaney to explain that the "A Fund" mentioned in the letter of the 24th of February 1881 was no other than the Invincible fund; and the triumphant expert in handwriting and in "Times" morality was handed over to Sir Charles Russell for cross-examination.

The scene now changes to Maryborough Prison, Ireland. Enter Mr. Shannon to visit Delaney. At question 35,138, page 1877, Delaney swears that Shannon introduced himself as Crown Solicitor, as an agent from the Government. Shannon took his statement in that capacity, and made Delaney swear to its veracity on a book. Delaney's evidence here was contained, of course, in that statement. He has sworn so, and at page 1888, question 35,543, he swore that Shannon showed him the eight letters the evening before he appeared in the witness box. The question which I now want to ask from Sir Henry James is a simple one. It is this. Did Pigott get the "information" about the money mentioned in the forged letters from Delaney, through Shannon, or did Delaney get a read or a knowledge of what was tated in these letters from the same gentleman during the three or four hours he pent with him as a Crown Solicitor in Maryborough Prison?

Where, may I ask, outside of Delaney's perjured testimony or Pigott's forged letters, is the evidence produced before this Court to sustain this charge against Mr. Egan or Mr. Brennan? Will Sir Henry James go back to Farragher and adduce that savoury gentleman's story about taking letters from Egan to Mullett in 1881. Let me examine Farragher's veracity a little as shown in his evidence. Patrick J. Farragher says he was born near Ballinrobe, county Mayo. Before coming here as a witness he was master of the Ballinrobe workhouse. He admitted having been charged by the guardians with drunkenness, immorality, and using insulting language to the matron of that establishment. He was dismissed, and did not appeal against his dismissal to the Local Government Board. He stated at page 2056 that he had been speaking to five or six persons in Ballinrobe about this Commission, and that it was this circumstance which led to his being subpoenaed. He declared to Sir Charles Russell that he only knew one of them, a policeman named Kirby; and this he said of a place near which he was born, in which place he was then master of a workhouse, a Mayo village of two or three thousand people where everybody knows who everyone else is. He actually swore he could not give the date of his own eviction; and at page 2057, questions 38,428 and 38,434 he swore that he was in the employment of the Land League from May or June 1880 to the suppression of the League in October 1881, while at page 2059, question 38,500, he swore he was not in the employment of the League at the time of the trial of Parnell and others which began in January 1881. At question 38,502, same page, he says (I am quoting his words) "about two or three months after "that trial I suppose is the time I was so employed." At page 2060, question 38,530, he again swore that Thomas Brennan remained in the Land League as secretary "for "two or three months after his (Farragher's) engagement as clerk, before he (Brennan) "was arrested," and as I have already pointed out, Brennan was arrested as a suspect on the 21st May 1881. At question 38,538, same page, he again says he believes he was taken in at the Land League three or four months before Brennan was arrested. At page 2062, question 38,585, he swears that he saw Egan "10 times" in the Land League office in Dublin, between February and October 1881. At page 2063, question 38,640, he swore that he took a letter from Egan to Mullett "about September or the "beginning of October 1881," adding "it was very near the suppression of the Land

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League," which event, your Lordships are aware, took place on the 17th of October. Again, at page 2068, in reply to Sir Henry James, Farragher first said he saw Egan in the Land League after the suppression of the League. Then at question 38,823 he declared he could not tell whether he had seen him at all in 1881; and for four following questions his answer was "I could not tell you," to the query by Sir Henry James when in 1881 he had seen Egan in this Land League office. And this is the witness who at page 2063 is made to say he took letters from Egan to Mullett in two of which there was money, "the two" corresponding with the allusions in two of the eight forged letters to money which Pigott's concoctions had represented as coming from Egan to Mullett.

And, my Lords, it is upon the miserable transparent inventions of three such exquisite scoundrels as Pigott, Delaney, and Farragher, men of the most abominable character, apart from their performances in that box, that the "Times" makes its accusations against Patrick Egan and Thomas Brennan, against neither of whose moral or business reputation a word of suspicion has ever been spoken in Ireland or America.

Then, my Lords, there is the charge put forth by the Attorney-General as being contained in "Parnellism and Crime," that the Invincibles were a branch of the Land League, and were organised and paid by its treasurer, Patrick Egan. On this same page where this is repeated, page 3055 in the evidence, the same learned Attorney asks Richard Pigott the following questions. It is question 51,733. Perhaps you will read it?

"(A.) It is only one line, 'he organised the Invincibles and he bargained
" 'with the Parnellites.' That refers to John Devoy. In connexion with that
" he (meaning Houston) asked me could I procure materials for another
" pamphlet bearing especially on that statement, that is to say, Devoy organised
" the Invincibles, and organised the Land League at the same time."

The other pamphlet which Houston ordered from Pigott, after giving 60*l.* for the first, was not printed as a pamphlet by Pigott. It appeared in the columns of the "Times" under the title of "Parnellism and Crime," and contains the charges and allegations into which your Lordships are inquiring. So much, my Lords, for this charge.

But before parting with the convict Delaney, I ought, in justice to him, to say that within the last few weeks he has addressed a letter —

(*The Attorney-General.*) Oh!

(*Mr. Davitt.*) The Attorney-General ejaculates. I have not yet said what it is, but evidently the Attorney-General knows all about it.

(*The Attorney-General.*) No, you have no right to say that. It was quite evident you were going to refer to something which was not admissible.

(*Mr. Davitt.*) Very well, I will take back what I said, and I will pass on.

Now, my Lords, there is another specific charge which reads as follows. That Parnell was intimate with the leading Invincibles, that he probably learnt from them what they were about when he was released on parole in April 1882. That he recognised the Phoenix Park murders as their handiwork, and that knowing it to be theirs, and partly in fear for his own safety, he secretly qualified and revoked the condemnation which he thought it politic publicly to pronounce. Well, my Lord, that is founded upon Pigott's forgeries and the concocted interview between Pigott or Pigott's concocted interview which purported to have been given to him by Eugene Davis, and which your Lordship was kind enough to say had occupied your Lordship's attention.

Then to sustain these vile fabrications of Pigott which were found in the bogus Eugene Davis' interview produced by Houston in this Court, the "Times" published the fac-simile letter and wrote the following editorial on the morning of the division upon the present Government's Coercion Bill, "an appropriate occasion" for such publication, as Mr. MacDonald said when under cross-examination. I will not read that article, but in justice to Mr. Parnell, as he is not here, I would ask permission to read an extract from a speech that he made in the House of Commons that very night when this fac-simile letter had appeared. It is only a short portion of the speech, because I am sure your Lordships have read it.

(*The Attorney-General.*) I think it is in evidence.

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(The President.) Yes.*(Mr. Davitt.)* Very well, I will ask permission to read it.*(The Attorney-General.)* I merely mention that.*(Mr. M. Davitt.)*—

“The writing is strange to me. I think I shall insult myself, I ought to say, perhaps, the House, in order that my denial may be complete and perfect. I certainly never heard of the letter. I never directed such a letter to be written. I never saw such a letter before I saw it in the ‘Times’ this morning. The subject matter of the letter is preposterous on the surface. The phraseology is absurd, as absurd as phraseology could possibly be. In every part of it it bears evidence, absolute and irrefutable evidence, of want of genuineness and want of authenticity. Politics are come to a pretty pass in this country, when a leader of a party of 86 members has to stand up at ten minutes past one in the House of Commons, in order to defend himself from an anonymous fabrication of this kind which is contained in the ‘Times’ of this morning. I have always held with regard to the late Mr. Foster, that his treatment of his political prisoners was a humane treatment and a fair treatment, and I think for that reason alone, if for no other, he should have been shielded from such an attempt as was made on his life by the Invincible association. I never had the slightest notion in the world that the life of the late Mr. Forster was in danger, or that any conspiracy was on foot against him or any other official in Ireland or elsewhere. I had no more notion than an unborn child of such a conspiracy as that of the Invincibles, and no one was more astonished than I was when that bolt from the blue fell upon us in the Phoenix Park murders. I knew not in what direction to look for this calamity. It is no exaggeration to say that if I had been in the park that day I would gladly have stood between Lord Frederick Cavendish and the daggers of the assassins, and for the matter of that, between their daggers and Mr. Burke. Now, Sir, I leave this subject. I have suffered more than any other man from that terrible deed in the Phoenix Park, and the Irish nation has suffered more than any other nation.”

Now, my Lords, the infamy of this whole proceeding is really beyond the power of language to adequately represent. It is from beginning to end, from the interview and bargain between Houston and Pigott in 1885 down to the appearance of this letter in the columns of the “Times,” a piece of calculated and connected moral assassination of the political character of public men without a parallel in political or party history in any of these countries. Houston, the son of the Dublin warder and the secretary of the I. L. P. U., calls on Richard Pigott, the ex-editor of the “Irishman” newspaper, which was purchased from him by the Land League. Pigott writes a pamphlet in which he attacks and vilifies the men to whom he had repeatedly offered his services, and from whom he had been constantly soliciting money and favours before he found more congenial employment from the enemies of the League. The correspondence which passed between Mr. Egan and Pigott before Houston’s appearance on the scene, and which has been read here, a correspondence which led partly to the discovery of Pigott’s forgeries, shows to what length this infamous scoundrel went in his efforts to get money from the Land League funds.

Having failed with the League he turned to the I. L. P. U., and was at once engaged as their pamphleteer and paid agent. He writes his “Parnellism Unmasked” and obtains 60% from Houston for the job.

He relates the transaction as follows. I have read in my preceding remarks what he said in reply to the Attorney-General about being engaged to write another pamphlet. About this time, September 1885, was the time when Mr. Gladstone’s changed attitude on the Irish question began to look like the adoption by the Liberal Party of some plan favourable to Irish National demands. Pigott’s pamphlet was therefore opportune for the I. L. P. U. The League administration of funds was attacked and the figures used by Pigott in this pamphlet are the same that are found running through “Parnellism and Crime” and forming the arguments and guiding the insinuations of Counsel for the “Times” in this Court. But the attack upon the Land League was not thorough enough for Houston. The I. L. P. U. required something more direct and more damnable against Mr. Parnell and his party, and Pigott was seen by Houston again and got the commission to which I referred awhile ago to get the

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materials for another pamphlet upon the basis that John Devoy organised the invincibles and organised the Land League at the same time.

Here, my Lords, we have the conception of "Parnellism and Crime," which came into the world as the unholy offspring of Pigott and the I. L. P. U. and was adopted by the "Times" in March 1887. The plan of "Parnellism and Crime" exactly corresponds with the Commission given by Houston to Pigott to prepare a pamphlet bearing specially on the statement in Pigott's first production that Devoy organised the invincibles and bargained with the Parnellites. Running right through the articles "Parnellism and Crime" these assertions are found and arguments made upon and conclusions deducted from them make up the unholy story. Read Pigott's fabricated interview with Eugene Davis produced here by Houston; read the forged documents; read Pigott's account of his visit to New York and concocted tales about Clan-na-Gael men in Paris, selling him the Parnell and Egan letters, and the whole pith and marrow of "Parnellism and Crime" is found to be the work of Richard Pigott in fulfilment of the commission given to him by Houston in November of 1885.

The dressing of these fabrications of Pigott's in "Times" language may have been the work of Wolf Flannagan, instructed by Houston, a congenial work for a man with an Irish name to stab his own country in the back for English money; but beyond yea or nay, the matter was sub-edited by Richard Pigott. His fine Roman hand can be seen throughout the articles which were written to carry out the commission of November 1885, from the I. L. P. U. Pigott's work, instead of appearing in a pamphlet, this time found its way through Houston into the columns of the London "Times," and performed there the work of accusation, innuendo, and suspicion which the I. L. P. U. planned the execution of against its political opponents and their Liberal allies.

The "Times" entered the I. L. P. U. conspiracy against Mr. Parnell, and became the willing tool of Houston and his aristocratic patrons and paymasters in Dublin. It paid back to Houston the money which Houston got from the I. L. P. U. to pay Pigott for the carrying out of the commission entrusted to him in November 1885.

We are asked by the "Times" to believe that they knew nothing of Pigott or of his antecedents until after the publication of the *fac simile* letter. *O, sancta simplicitas!* A shrewd London lawyer like Mr. Soames, with shareholders' interest to guard; a canny Scot like Mr. Macdonald with the responsibility of the "Times" on his shoulders, and with a life's newspaper experience; with all the Walters and Buckles and Blennerhassetts of the private editorial staff adding their knowledge of men and matters to the rest. And yet we are asked to believe that an intellectual stripling like Houston, the Dublin prison warder's or gatekeeper's son could palm off his story of the letters upon these men without telling them who was the man who procured them or anything about him. Again I say. *O sancta simplicitas.*

Mr. Macdonald, this innocently imposed upon son of North Britain knew, however, the political value of even a forged document, in a political crisis; and, agreeable to the spirit in which the Irish Loyal and Patriotic Union availed of Pigott's services from 1885, the "Times" manager published the first of his forgeries on the morning of the 18th April 1887. Mr. Balfour's Coercion Act was on for second reading that evening, and the "Times," in the article which I have not read but to which I called your Lordship's attention, challenged Mr. Parnell to explain and answer the fabricated production. Mr. Parnell did so at once; and the speech, which I quoted from a while ago, in which he cleared himself of the atrocious and deadly charge thus levelled against the heart of his political character and reputation, should burn itself, every word, into the conscience of every lover of fair play in Great Britain. During that speech, my Lords, which I did not read in its entirety, he was interrupted by "Ministerial laughter," according to the reports in the public press. Ministerial laughter at his manly and straightforward declaration that this whole letter was a foul fabrication. It is a pity that this should be on record against the occupants of Her Majesty's Ministerial Bench on that occasion. It is possible that many of those who laughed from that place were in ignorance of the plotting and planning of Houston and Pigott, which brought forth the *fac simile* letter and its accompanying accusations; but it is known to us who subscribed the money which Houston gave to Pigott; and as sure as your Lordships are tolerating my address here to-day their names and their

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donations, and the date when they gave them will be made public before long, and they shall have to take the consequences.

Then, my Lords, we have the demand made by Mr. Parnell and his party in their places in Parliament for a committee of inquiry into the charges and allegations refused by the ministers to whom I have drawn your Lordships' attention in the conduct I have stigmatised. It is well known that their demand instantly made to have a Parliamentary inquiry into this whole thing was refused; but ultimately this heavy onerous task was thrust upon your Lordships.

Then, my Lords, we have the O'Donnell and Walter fiasco which is availed of by Her Majesty's Attorney-General (of course as counsel; I do not speak of the learned gentleman in any other way) as a grand opportunity for reading the whole of "Parnellism and Crime" before the Lord Chief Justice of England, and giving even a greater and more important publicity still to the work of Houston and Pigott; and on that occasion the Attorney-General delivered himself of the perfectly sincere and natural resolution that his clients would not upon any consideration—no, not even if they lost their case in consequence, reveal the names of those from whom the forged letters were obtained. Wise resolve! Characteristic conduct on the part of the "Times"! The "Times" newspaper all over! And yet we were asked by these people in this Court to believe that when the Attorney-General was thus speaking in their behalf their own instructions to him, they did not know of Pigott's dealings with Houston or of the origin of the letters; in fact, they had never heard of Pigott or of his newspaper, or of his career until quite recently.

Let us see, my Lord, how much of truth there is in this statement of the "Times." The "Times," of November 8th, 1871, page 3, column 4, says in a telegraphic message from Dublin about Richard Pigott:

"At the sitting of the Commission Court this morning, Richard Pigott made application as publisher and proprietor of the 'Irishman' with reference to some contempt of Court that he had committed."

Then in the "Times" of the 9th November 1871 there is another communication about Richard Pigott. The "Times" of the 11th November 1871, page 5, by their Dublin correspondent says:

"The Judges of the Commission Court sat this morning at half-past ten o'clock, and Mr. Pigott being in attendance with his counsel, Mr. Butt and Mr. Napier."

Then the "Times" correspondent again on the 13th November 1871 says other things about Richard Pigott.

In the "Times" of the 14th November 1871, page 5, there is more—there are three columns in the "Times" of that date, headed "Mr. Pigott's case."

Then the "Times" correspondent on the 15th November 1871, page 7, devoted nearly a column about the same gentleman, about whom the people of Printing House Square knew nothing at the time of O'Donnell v. Walter.

Then again the "Times" of November 15th, 1871, page 7, columns 1 and 2, was devoted entirely to the denunciation of Pigott, and saying he deserved imprisonment for writing in sympathy with assassination. Nearly two columns of it about a gentleman that was not known to Mr. Macdonald, or to Mr. Soames, or anybody else in Printing House Square.

Then there is an article from the "Times" own correspondent again on July 17th, 1871, of nearly a column, and then, my Lords, the very irony of fate when Richard Pigott came out of prison, where he was sent for contempt, he was presented with a testimonial, and in the address—I will first quote four or five words—in the address presented to him it said:

"Not even content with imputing to you as guilt the uncensored passages of another paper, the correspondent of the London 'Times' forged against you a false and malicious libel, declaring you had deplored that the constables were not murdered."

Richard Pigott, my Lords, 20 years ago, charged the London "Times" with forgery, and now we have Richard Pigott forging for the "Times" in 1887.

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But, coming back to the Attorney-General's statement in *O'Donnell v. Walter*, we have him on behalf of his clients not only refusing to give the source of the letters, but defending his not doing so by insinuating another charge, that men connected with the Land League might assassinate the person or persons implicated if their names were divulged.

Well, I have some words here I shall not read, my Lord; I do not want to indulge in any language that would be rather foreign to your Lordships in a place like this, but it is very hard in the face of a conspiracy of this kind to control one's words and feelings, and, my Lord, it was only the certainty that John Cameron, MacDonald, or some one else connected with this Pigott-Houston conspiracy, would find themselves committed to prison by their Lordships if they refused to give the names of those who produced the letters, and which caused them to bring Pigott forward in this Court. The manner in which the "Times" pretended to atone in this Court for the wrong it had done was characteristically mean. The simulated language of regret did not as much as cover the apparent chagrin at the detection of the forger and exposé of its frustrated game. There was no manly apology offered to Mr. Parnell, or to Mr. Egan, or to others who had like them been paraded in its columns as the paymasters and abettors of assassination. No. The Attorney-General's statement, like the leader on the same subject in the "Times," said, between the lines, "we regret deeply that we have failed to convict you. We apologise."

Their after conduct proves this to be a just estimate of their action in withdrawing the forged letters after their forgery had been detected, despite their efforts to cloak the forger. Instead of abandoning the charge—which being round and depended upon the forged letters for origin and justification—the work of vilification has been carried on in this Court, while agents such as Shannon, Kirby, and Thompson, and others for the "Times," who were in the pay of Mr. Soames, or in the pay of the Dublin Castle, have been going into convict cells visiting wretched men working out their lives in penal servitude, offering them promises of liberty if they would only come forward and bolster up the case which fell to the ground when Pigott confessed his forgery.

Has the "Times" persevered in its congenial game, unshamed by exposure, undeterred by any consideration of remorse, dead to every feeling except that of implacable hate of the Irish leader, his party, and their cause? And, my lord, with reference to this foul charge of assassination, and sympathy with assassination, what renders broadcast assertions of sympathy with political assassination so reprehensible and dangerous is the lamentable fact that men in all countries who believe themselves to be oppressed by despotic rulers or unjust and alien government, show only too great an inclination to avail themselves of such reprisals. In ancient history the assassins of tyrants were the favourite heroes of oratory and poetry. Even in Christian times and countries the law of the gospel has not always kept in check the lawless promptings of revenge.

"Revenge," said Lord Bacon, "is a kind of wild justice."

And again—

"The most tolerable sort of revenge is for those wrongs there is no law to remedy."

To locate this "wild justice" in Ireland alone is but a piece of stupid malignity on the part of the "Times." The murder of Count Rossi, the minister of Pope Pius the IX., evoked little or no great indignation in England. It was about this period that the "Times," writing upon the Garibaldian movement for Italian liberty, said—

"It is quite time that all the struggling nationalities should understand that freemen have no sympathies with men who do nothing but howl and shriek in their fetters; liberty is a serious game, to be played out, as the Greek told the Persian, with knives and hatchets, and not with drawled epigrams and soft petitions."

If Mr. John Finnerty had uttered these sentiments on a platform in Chicago, and urged their application against English officials in Ireland, the "Times" would not alone accuse him of being an advocate of assassination; it would charge me in the words of "Parnellism and Crime" for even associating with Mr. Finnerty as being "in trade and traffic with avowed contrivers of murder."

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Political assassination is as reprehensible to Irishmen as to any other people. There is not a country in Europe in which there has been less of such crime than in Ireland. What is the record of France and Italy and Germany in this respect? Even in free America two presidents have met their fate in our own time at the hands of political assassins. But what of England, the country whose political morals have had as a kind of guardian angel, the censorship of the "Times"? Has its constitutional traditions saved it from the stigma of political assassination? In the troubled time of the 17th century political murder and accusations of political murder were constantly recurring features of the situation. Gardiner, the historian, tells us that among the partisans of the period there was no horror evinced at the murder of Buckingham by Felton. Even in the present century the fathers of this generation saw on Tower Hill the spectacle of the public executioner holding up the dissevered heads of Englishmen executed for no less a crime than plotting the wholesale assassination of an English ministry. Thistlewood, the Cato Street desperado, inflamed by the administration of reactionery cabinets, formed the plan and found other Englishmen to assist him in the attempt to murder all the members of the government who were about to banquet at Lord Harrowby's. Yes, my Lords, political assassination is a terrible crime which has sprung up only too readily in the rank soil of human passion under the generating influence of unjust or unpopular government; and those who, for the purpose of defaming political opponents, fling about charges of sympathy with such crime, incur the blame of tending to make popular and respectable the very deeds and excesses which they affect to deplore. I say affect to deplore, and I use the word purposely, because the files of the "Times" prove that, when alleged enemies of England have been plotted against, and their lives attempted, this journal, which has had the criminal audacity to plot and pay for the moral assassination of Mr. Parnell, has condoned the crime which its paid forgers tried to fasten upon the leader of the Irish people. In April 1858, one Simon Bernard was put on his trial in this city for complicity with assassination in the plot to murder the Emperor of the French. I am sure the fact is in the recollection of your Lordships, when Simon Bernard was tried here in London, the "Times" in a leading article used these words:—

"With the resolute stubbornness of the English middle classes they (the jury), like the audience in court, refused to look at Bernard as a murderer, like Barthélémy or Lane. They saw in him, even if the evidence were complete, only a conspirator against a despotic ruler, who had himself seized a throne by craft and violence, and against whom craft and violence, if not justifiable, were at least not to be classed with the guilt of the common murderer." * * * *
 "Why then, should Bernard, even if guilty, be judged by the severe rules of English morality? Let the French settle these things among themselves."

The next charge calling for comment reads:—

"That the knives, revolvers, &c. with which the Phoenix Park murders were committed lay for days in offices shared by the League and Parliamentary party open to the inspection of the curious."

The pith of this charge consists in its insinuation. It is meant to convey the impression that the instruments alleged to have been used in the murder of Lord Frederick Cavendish and Mr. Bourke were kept in the offices of the Parliamentary party and Land League in London, and that consequently the persons who frequented those offices must have not only known of the presence there of these murderous weapons, but knew also for what they were intended.

The evidence brought forward in substantiation of this charge was that of one George Mulqueeny, whose direct testimony begins at page 3588 of the evidence. No other person has been produced before your Lordships with reference to this particular allegation, besides this Mulqueeny, who was admittedly a political errand boy of Captain O'Shea's, an instrument of the man who was once Mr. Parnell's too intimate friend, and who to show, I suppose, the value of that friendship, stepped into that witness box to swear that Piggot's forgeries were the signature of his friend. Now what did this errand boy of O'Shea's swear? Mulqueeny is asked first to make good

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this paragraph from near the top of page 155 of *O'Donnell v. Walter*. I am quoting, my Lord:—

“Gentlemen, I ask you to look at the next page (*Parnellism and Crime*) which is most important. Before the knives reached Palace Chambers (the Parliamentary offices) they were entrusted to a Fenian shoemaker in Bethnal Green, who boasts of having made leather sheathes for them. This worthy's services to the cause was rewarded by a ‘testimonial,’ to promote which Mr. Biggar, M.P., took the chair at a meeting convened under the distinguished patronage of the principal London Fenians, a speech by Michael Davitt being the chief attraction of the programme. * * * * * From the shop of this cobbler the knives were carried to Westminster by Patrick Byrne.”

These are the words of the Attorney-General at page 155 of “*O'Donnell v. Walter*.” Now, my Lords, for the “proof” of this in the evidence. Beyond the fact that Mulqueeny knew such a man as Maurice Collins, that he was a shoemaker; that a lecture had been delivered by me towards his relief, and that Mr. Biggar took the chair on the occasion, there is not one word of proof or attempted proof of—1st. That Collins ever made or was alleged to have made the sheathe in question. 2nd. That the knives were ever in his house or carried from thence to Westminster. 3rd. That the lecture delivered by me was for any other object than that of charity, or was under any patronage whatever, Fenian or otherwise. The “testimonial for service rendered to the cause,” the making of sheathes for the Phoenix Park knives, and their being carried from Collins' place to the offices of the Irish Parliamentary Party are pure fabrications, as the only witness produced by the “Times” who gives any evidence about Collins, or this lecture has said never a word, nor was he asked by Counsel for the “Times” to say a word about these particularised allegations.

At page 3608 Mulqueeny tells how he invited me to deliver the lecture in question.

At page 3609, question 58,142, he swore that the lecture had no political significance, but was got up by myself, Mulqueeny and others, who knew Collins as an Irishman, who had suffered loss of trade as a “Vigilant,” and their object was to set him up in business again.

The “Times” witness said never a word about the meeting or lecture having been held under the patronage of London Fenians. This was another additional fabrication of the “*Parnellism and Crime*” writer.

With reference to the application to Collins of the term “Vigilant” by the witness, it was obviously a misapprehension by Mulqueeny for the word “Visiting,” for at page 3612, question 58,219, the witness gives this answer to me:—

“Was it not the Political Prisoners' Visitors Association that Collins belonged to?—A. You are quite right. It was the Prisoners' Visitors Association, but I thought it was “Vigilance.”

This, my Lords, disposes of the cobbler of “*Parnellism and Crime*” whom Mr. Biggar and myself are declared by the “Times” to have testified for having made leather sheathes for the knives that are alleged to have been used in the murder of Lord Frederick Cavendish and Mr. Burke. No, there is not one word of evidence to corroborate that serious charge against Mr. Biggar and myself. Mulqueeny even swore at question 57,612, that he had no knowledge of Collins having even been a Fenian; and it was on Mulqueeny's invitation—as said by Mulqueeny in that box himself—that I had been invited to lecture for the relief of Collins.

Now as to the charge proper under this head. At page 254 of *O'Donnell v. Walter*, the Attorney-General said:—

“In the Parliamentary offices the weapons were kept for several days before Byrne removed them to his home in Peckham. The knives lay in a paper parcel on the floor; the Winchester rifle and revolvers, of which so much was heard at these murder trials, lay open to the inspection of the curious.”

At page 3593, beginning with question 57,720 and ending at question 57,736, Mulqueeny tells the story about Byrne showing him one day a paper parcel in which there was knives, and saying in answer to a query by a witness, that they were surgical instruments purchased by Dr. Hamilton Williams. A few questions higher up the

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same page, Byrne is said by witness to have shown him two revolvers, one new and the other old, one being kept by Byrne for Mr. William Redmond, who left it in his custody for safe keeping when he (Redmond) was leaving for Australia. On the next page, 3594, from question 57,742 to 57,773 on the opposite page, Mulqueeny tells how Patrick Byrne, Frank Byrne's brother, was carrying a parcel from the National League rooms to Frank Byrne's house, and how he let it drop on witness's toe, and told him it contained a Winchester rifle, Patrick Byrne, according to witness, having nothing to do in or with said National League. This comprises the whole of the story about the knives and revolvers and Winchester rifles, as told on direct examination by the only witness produced by the "Times" to prove this charge, Captain O'Shea's boon companion, Mulqueeny. In cross-examination, in reply to Mr. Reid, page 3602, Mulqueeny said—

" I was somewhat surprised to see such things in the National League rooms ;
 " it was not an ordinary thing but an extraordinary thing to see, but I thought
 " no more of it."

He, being told by Byrne that there were instruments purchased by a man—no matter what his criminal purpose may have been—who was a doctor, that is, the witness was told these knives were bought by Dr. Williams, he, witness, while naturally thinking the National League room a strange place for such things, thought nothing more about the circumstance. It was only after the evidence given at the Invincible trials in Dublin that he connected the contents of the brown paper parcel with anything wrong. Touching this parcel and its presence in these offices, the witness said, in reply to questions by me, page 3609, that the League offices were open to anyone who cared to enter, and that lots of people used to be up there casually. He said also that there were plenty of places in the office where such a parcel could be stored under boxes or papers where casual visitors to the office would not notice the presence of the parcel. This is the entire story about this parcel and its connexion with the offices of the League and Parliamentary party in London. The thing begins and ends with Frank Byrne, Dr. Hamilton Williams, and Patrick Byrne, Frank Byrne's brother. We are not aware, so far as the evidence is concerned, that any other human being ever saw these weapons in that place except George Mulqueeny. I think it is insinuated in *O'Donnell v. Walter* by the Attorney-General that they were there on inspection.

Of Patrick Byrne, Mulqueeny has said that he had nothing to do with the office of the National League. Of Dr. Hamilton Williams he has said more, and it amounts to this. At page 3590, from question 57,629 to 57,635, the witness relates that Hamilton Williams accompanied Byrne and himself on one occasion to open a branch of the League at Poplar, but he says he does not think that anyone delegated Williams to go there. At page 3609, in reply to me, Mulqueeny said " that he knew Hamilton Williams " as an advanced Nationalist ; that he never knew him to be a Land Leaguer. That on " the occasion of the meeting in Poplar, at which he was present, he made a speech " violent enough to ' blow the roof off the house.' "

To use the words of Mulqueeny, and that on that occasion there was no one present whom the witness would call a representative Leaguer, neither was there any member of Parliament.

About Frank Byrne, personally, Mulqueeny says at page 3600 that he never suspected him of being other than honest and honourable before his name became publicly connected with the Phoenix Park tragedy, through the Invincible trials in 1883. That if he had known of his real relations with Tynan and Williams he never would have associated with him. Politically the witness knew as a member of the League executive that Byrne had been attacked by other Leaguers more than once for the way in which he was acting in his capacity as secretary, as also for his employment of organisers who were alleged to have been occasionally in Ireland when they should have been at League work in Great Britain. And in the matter of Tynan or No. 1, whom Mulqueeny did not know as such until told by Byrne at the time it came out in connexion with the Park murders, the witness says at page 3601 question 57,945—

" I ask him (Byrne) who No. 1 was, and he said ' Tynan.' I said it was
 " a damned shame to bring Tynan and men of that calibre into the National
 " League offices."

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I think, my Lords, that this "Times" witness has summed up in this one answer the whole case about this brown paper parcel. Assuming it to be true that such a parcel was ever there, and was ever shown to George Mulqueeny, because, as I have already said, we have had no evidence from any one else but this man, and it is mentioned that this man is the political tool and errand boy of Captain O'Shea, the once private friend of Mr. Parnell, who became his deadly enemy. And, my Lord, even if this story were true about this brown paper parcel it was the work of a man who was playing his employers false. Mulqueeny, who was on the most intimate terms with Byrne, and his family, with Tynan and Williams, swears he never once suspected them of being connected in any way with the Invincibles until the revelations arising out of the trials in Dublin early in 1883. How then could the members of Mr. Parnell's party, or others, who visited the offices in which Byrne was employed, know or suspect the double game he was playing?

It was not asked of Mulqueeny by the Attorney-General, nor was it said or even hinted by the witness, that Messrs. T. Quinn, Foley, Biggar, or T. P. O'Connor, M.P.'s, who were less intimate with Byrne, knew or even suspected that Byrne, Tynan, or Williams were what they confessed themselves afterwards in America to be, or that any such parcel as that described in the charge was ever within the walls of the office in Palace Chambers. Legally as well as morally, therefore, this charge, or rather what it is meant to imply or insinuate, falls completely to the ground, as there has not been one particle of proof produced here by the "Times" to show that any of the parties charged had the least guilty knowledge either of Byrne's connexion with the Invincible Society, or with the fact of the knives or brown paper parcel ever having been within the walls of the Parliamentary offices for one single second, if the parcel ever really had an existence there outside of Mulqueeny's imagination. Mr. Parnell, and others of his colleagues, have sworn they had no such knowledge. The only "Times" witness brought forward to sustain this charge did not swear, nor was he asked by Counsel for the "Times" to swear, that they possessed such knowledge. But, my Lords, this charge, which I have been testing by the evidence given to sustain it, was only meant to insinuate what the "Times" wished but has failed to prove. The charge was bounded on the one hand by the story of Collins, the alleged maker of the leather sheaths for the knives, being rewarded by Mr. Biggar and myself for this and other kindred achievements, and on the other by the only charge I have now left to deal with. I have exploded the Fenian cobbler story by aid of the "Times's" own and only witness thereon. The other and last charge has been exploded long ago. But we will re-explode it; it reads as follows:—

"That Parnell on 23rd January 1883, by an 'opportune' remittance, enabled Byrne to escape to France."

There can be no mistaking the meaning of this charge. It clearly suggests, taken along with the insinuations in the preceding allegation, that Mr. Parnell had a guilty knowledge of Byrne's complicity in the Invincible conspiracy, and gave him "an opportune remittance" with which to evade the hands of justice. The learned Attorney-General tries to push home this charge in *O'Donnell v. Walter* in this way. "The extraordinary letter tells its own significant tale." The question however is not one of opinion, but of fact. If Mr. Parnell supplied Byrne with money to leave the country in January 1883, the importance of the action cannot be obscured by any argumentative slight of hand.

Well, my Lords, the letter upon which this "opportune remittance" charge is founded, and the false story which it was made to tell against Mr. Parnell in "Parnellism and Crime" was stolen from the League offices and forwarded to the "Times," after George Mulqueeny had informed his friend William Henry O'Shea "over a glass of wine" to use the witness's complimentary reference to O'Shea, that such a letter existed. O'Shea, Delaney's co-expert in handwriting, had been a close friend of Mr. Parnell, and a kind of diplomatic go-between employed by Mr. Joseph Chamberlain, doubtless to make such use of his intimacy with the Irish leader as would be serviceable to the once famous apostle of the doctrine of landlord ransom.

O'Shea, like Sancho Panza, believed omnipotently in the political greatness of the Brummagem Knight of La Mancha, and when the said knight should become the prime minister of England, Sancho O'Shea was to be made Sir William Henry, and to

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become Chief Secretary for Ireland. This has not happened yet, so the "Times" received the Byrne letter which Mulqueeney swore he never stole or sent, but about the existence of which he told his boon companion, O'Shea, only.

The history of the Byrne letter and of the cheque for 100*l.* has been told in evidence, and although there is no fear of Sir Henry James persisting in still giving it the Parnellism and Crime character of "an opportune remittance to enable Byrne to escape from justice," it will do the interests of truth and justice no harm to have it re-told.

It has been proved by the evidence of Mr. Parnell, Mr. Justin McCarthy, and others for the defence, and by George Mulqueeney, witness for the "Times," that the Land League of Great Britain was not a self-supporting body. Grants of money had to be made to it from time to time by the executive of the Irish League. On the 15th of December 1882 it was stated at a meeting of the executive of the London League that there was only 1*l.* 6*s.* 1*d.* then in the funds.

A resolution was proposed by Mr. A. Cronin, and seconded by a Mr. Rogers, as follows:

"That the executive instruct the secretary to apply, through Mr. Parnell, to the Irish National League for a sufficient sum of money to meet our immediate requirements."

This resolution was passed and recorded on the minutes, which, I think, was produced here in Court for your Lordships' inspection.

At another meeting of the London executive, held on the 29th of December, a fortnight subsequent to the other meeting, Byrne, who was at that time away from his duties owing to illness, is recorded in the minutes as having written as follows:—

"The general secretary wrote that he was still unfit to return to his duties, and he had written to Mr. Parnell making an application for an advance of 100*l.*, to which he had received no reply."

Again, at the next meeting, on the 15th January 1883, another letter was read from Byrne, saying he was still too ill to return to work, and that there was yet no answer or remittance from Mr. Parnell or the League in Dublin.

Then it was at an executive meeting following, the 8th of February, that the Frank Byrne letter was read, bearing that date, in which reference was made to the 100*l.* cheque.

So that it was close on two months after the resolution of the London executive, asking for the money, was passed before Mr. Parnell got the League in Dublin to send the cheque which was sent to Byrne as the general secretary of the London League.

In another letter of Byrne's, dated the 10th of February 1883, he accounts for the 100*l.*, returning 35*l.* 17*s.* 7*d.* balance on his hands, after meeting the business liabilities of his post, which he at the same time resigned.

This is the whole story of the 100*l.* cheque.

It was a purely business transaction on Mr. Parnell's part, and had no more to do with aiding the escape of Byrne, than with the financial needs of our old friend the man in the moon.

In this connexion the following letters from Byrne and matter about him, will be of some information for your Lordships as to this man's position antecedent to the foundation of the Land League. It will also be seen that an almost identical case to the 100*l.* grant from Dublin had occurred in connexion with the Home Rule Confederation of Great Britain, of which Byrne was secretary in February 1879. I am quoting, my Lords, from the "Freeman's Journal" of February 5th, 1879.

(*The President.*) I do not think we can have that.

(*Mr. Davitt.*) If your Lordship objects I will not persist in it.

(*The President.*) I do not think this throws any light upon the matter.

(*Mr. Davitt.*) Because I am sure your Lordships have given this charge the most careful possible consideration, and I only wanted to go over the facts.

(*The President.*) But I thought you were going into fresh facts. It is not evidence.

(*Mr. Davitt.*) I have been referring to evidence.

(*The President.*) I know, but this is not in evidence.

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(*Mr. Davitt.*) Not been put in evidence. I had not found reference to his previous position in the Home Rule Confederation at the time your Lordships adjourned some months ago, but dealing with the evidence upon the connexion, as paid officials, of Byrne, Walsh, and Sheridan with the Land League, the "Times" has largely based its charge against the Land League leaders of being in ultimate, notorious and continuous relations with avowed murderers. To give to this purely fortuitous connexion the colour of an actual co-partnership in criminal outrage, the talents of Pigott as a forger were availed of, and in the forged letters are found the only attempt at corroborative testimony made in behalf of the "Times" to sustain this particular charge. I intended to have traced at least the antecedents, but it does not matter. The witnesses for the defence whose associations with Byrne were much more casual than Mulqueeny's, have sworn they never suspected Byrne of an underhand dealing or of any intercourse on his part with plots or plans for the carrying out of a policy of violence. The "Times" witness has sworn the same. The theory of guilty knowledge falls to the ground for want of evidence, and with it, unless I am wrong, falls the implied criminality of those persons here charged whom Byrne imposed upon in his capacity as secretary to the Land League of Great Britain. What is said in "Parnellism and Crime," and reported by the learned Attorney-General at page 204 of *O'Donnell v. Walter*, and again repeated before your Lordships at page 127 of the evidence, is as unfair as it was untrue when written and spoken. He quotes Byrne by saying:—

"Byrne laid bare the pith and marrow of the League doctrine in a few trenchant words. 'I am not,' he said, 'fastidious as to the methods by which the cause of liberty may be advocated. I do not say you should alone use dynamite, or the knife, or the rifle, or Parliamentary agitation. But I hold no Irishman true who will not use all and each method as the opportunity presents itself.'"

These insane words, my Lords, were spoken by Byrne, not at a League meeting, and not while the speaker had a connexion with the League, but at a meeting in New York in 1883 or 1884, which had no relation whatever to the League in America, or of Great Britain, and at a time when Byrne's self-glorified part in the Invincible conspiracy had been made public, and long after he had ceased to have any connexion whatever with the men whom he had deceived in London. Surely, my Lords, if an employé leaves an establishment where he was never suspected of dishonesty, and turns out afterwards to be, on his own confession, a professional forger, his previous employers are not to be held legally or morally guilty for having employed such a person, or for his after acts and sentiments. If Byrne after going to America, and after openly avowing such opinions as those quoted, continued to have direct connexion with the League, or hold intercourse with the persons here charged, there would be some appearance of criminal relationship with him. But, what proof has been brought forward to establish this continued connexion? None, except the casual presence as a spectator along with the general public at the Philadelphia convention in April 1883, and before he had given utterance to the views which the Attorney-General has quoted as containing the pith and marrow of the League doctrine.

Beach has been unable to prove that either Byrne, Sheridan, Walsh, Tynan, or Hamilton Williams became members of the American Land League, after leaving these countries; and the efforts that the "Times" has made to prove Tynan or Williams members of the League before leaving for America have signally failed.

But, even had it been established that Tynan and Williams, like Byrne, Sheridan, and Walsh, had been members of the League in Ireland or Great Britain, or even paid officials like Walsh, Sheridan, and Byrne, I fail to see how that would incriminate me in the absence of all proof that I had criminal knowledge of their ulterior purposes or designs.

When these men engaged in this Invincible conspiracy, all the responsible leaders of the League, or nearly all, were in prison. The League itself was suppressed, at least in Ireland; and by no means which the wit of man could devise could I, for instance, from my cell in Portland Convict Prison, prevent the League in London from being made a cloak by Byrne and others for plans which in their carrying out must inevitably shatter the League to pieces.

It has not been proved here by any evidence worthy of a moment's notice that Mr. Patrick Egan sent Sheridan, as alleged in "Parnellism and Crime," to carry out a

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policy of violence in Ireland. The only attempt made to incriminate Mr. Egan was Pigott's detected forgeries, and these have recoiled upon the heads of his accusers.

In a word, my Lords, my contention is that whether it be the self-accused acts of Byrne or Sheridan, or the criminal charges made against Walsh, on the one hand; or whether it be the convictions recorded in Courts in Ireland against men who may have been members of the Land League when found guilty of the offences brought home to them by process of law; these facts do not establish either criminal knowledge of or guilty participation in such acts or such offences by the persons charged before your Lordships.

And, my Lords, pardon my again reminding the Court that the "Times" from the first appearance of "Parnellism and Crime" has charged the Land League chiefs, that is the persons sought to be incriminated here, not with constructive moral or legal responsibility for the acts alleged or proved against certain men, but with the deliberate selection by Mr. Parnell, myself, and others of agents for the commission of outrage and murder as a means by which political aims were to be attained.

My Lords, there has not been one word of proof to sustain such a charge brought here against myself, Mr. Parnell, and others.

My Lords, so much has been said in the evidence for the defence with reference to this deplorable crime in Phoenix Park, and so many proofs of genuine indignation at the perpetration of the deed have been given in speeches, manifestoes, and interviews that there is, I hope, no necessity for me to again reproduce for your Lordships' consideration these spoken and written testimonies of Land League and Irish regret at the sad fate of the victims of the memorable 6th of May.

The "Times" here called in question the sincerity of Messrs. Parnell, Dillon, and myself in issuing the manifesto of the 7th of May 1882. This was a part of the Pigott-Houston conspiracy. The men who conspired to prove Mr. Parnell to be the author of Pigott's forged letters, were bound to affirm that the issuing of the manifesto was an insincere act. It was part of the game which the I. L. P. U. had to play in order to carry out its anti Land League policy, and the "Times" has only allowed itself to become the puppet of this forgers and perjurer's employment organisation in voicing its calumnies.

But, my Lords, against the suspicion and accusations resting upon the "Times" forgeries of 1886 replace the acts, and the language of the 7th of May 1882, and of dates immediately following the tragedy itself and fearlessly asks this Court to judge between us.

My Lords, there are two incidents intimately associated with this historic crime which I desire to bring to the cognizance of this Court, and I know your Lordships will not blame me for doing it when I have done. They are full of dramatic interest. On the morning of the 7th May 1882, when the news of the tragedy of the evening previous had spread over London, hundreds of sympathising callers left their cards at the house of Lady Frederick Cavendish. She, of all those afflicted over the dark deed of blood, had most reason to sorrow, and stood most in need of consolation. A Government had been struck in its representatives, England's pride and power were rudely shocked in the assassination of two such men; but by no party or cabinet or society, could pangs so terrible or sorrow so overwhelming be felt as by the loving and devoted wife to whom the news of the crime brought a burden of measureless grief.

Among the many who went with offerings of sincerest sympathy in this dark hour, was the late Mr. A. M. Sullivan, a gentleman who, as member of the London Bar, may have been known to some of your Lordships. He was a widely respected Irishman, a patriotic upholder of his own country's cause, and a gifted advocate of everything which had for object the bettering of his fellow men. He with many other Irishmen resident here in London, left his card where hundreds had already been before him, on the same mission of condolence and sympathy. He never expected that his name would attract attention among so many that had better claims to recognition. But on the following morning, on the 8th May, he received a note from Lady Cavendish's own hand, thanking him for his sympathy and assuring him that she did not lay the murder of her husband at the door of the Irish nation; she did not believe that the Irish people sought his life, or would be implicated in the tragedy of his death.

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This, my Lords, was a noble act realising our highest conception of womanhood, and speaking a lesson of God-like charity at a moment when poor humanity's weaknesses would naturally claim an ascendancy over the promptings of Christian virtue. It was action kindred to that which spoke from amidst the agonies of death on the Cross of Calvary the words "Father, forgive them! They know not what they do."

The story of this incident has been told at many thousands of Irish firesides in Ireland and America, and I know the effect which the recital has had on many a heart that had been steeled in hatred against everything English before.

It is a pleasing duty to me to give it from here a wider publicity, so that its beneficent influence may work still a greater good. And I believe I am right in saying that, never once since the fatal 6th of May 1882, has this truly noble woman spoken one word of accusation or of anger against either the country or the cause in connexion with which her husband's untimely fate will be for ever associated.

I venture to say, my Lords, that conduct, nobler, better or more exalted than this, modern England cannot boast of. But I am proud as an Irishman, to be able to say that there is a parallel to it, and arising out of the same deed of blood too, in the case of Ireland. It is this and forms the second of the incidents which I asked your Lordships' permission to relate. When the Invincibles, who had been sentenced for the Park crime were awaiting execution in Kilmainham, a Sister of Mercy, with face of unusual sadness, visited the prison almost every day eagerly desirous of ministering religious consolation to the condemned men. She appeared to pay most attention to Joe Brady, and to make his few short hours of life as bright with hope of divine forgiveness as words of Christian comfort could make them. She had learned that Brady had been a good son to his afflicted mother, that he had borne a good character, and that he had not of his own free action undertaken the carrying out of the deed for which he was about to forfeit his young life for that which he had taken. On the morning of the execution she was with the mother of Brady. She came with some message from the ill-fated son, and to assuage with consoling words the grief of a sorrow-stricken home. She fulfilled her angelic mission of charity and went her way. Brady never knew who she was. My Lord, she was the sister of the man he had killed with his own hand in Phoenix Park, Mr. Burke the Under Secretary of the Castle.

My Lords, human conduct like inanimate nature is full of contrasts. There are in the acts and motives of mankind differences as marked as the features which distinguish a landscape, rich in scenic beauty from the parched and repellant aspect of a desert. We speak of the philanthropy of a Howard or an Oberlin, and rightly glory in the altitude of moral greatness in which they and their like stand out in towering eminence above the hard and selfish meanness of the age. Men of moral mould like this, raise up our souls when we contemplate their lives, just as mountains lift our bodies above the level of the swamps below.

And my Lords, among the virtues with which the Christian religion has re-inforced the moral weakness of humanity, there are none so God-like in its character as forgiveness. Philanthropy may get the world's recognition and be rewarded by honours or by praise, but to forgive is an act of the soul; it means the conquering of hate, of passion, and revenge, and the triumph of that great principle of charity which would, but for our passions, make this world a paradise of peace. Lady Cavendish and Miss Burke have given examples of this charity which deserve to have their names perpetuated to the end of time. But, my Lords, as the desert is to the bright and smiling landscape, as the noxious swamp is to the mountain top in dress of sunlit glory, so is the action of the "Times" and its Irish Loyal and Patriotic Union associates when compared with the exalted Christian conduct of the two beings, one English, and one Irish, who lost more and suffered more through the Phoenix Park crime than all the world besides. Five years had rolled by since the memorable 6th May 1882. The law had avenged the desperate deed of that date. Five lives paid the penalty of death on the scaffold for the two which had been taken. Numerous other less prominent actors in the fateful tragedy were sent into penal servitude, to expiate their share in the guilty act. The whole civilised world had expressed its condemnation of the crime, and the recollection of it passed gradually into the region of history. The Government which had been in power in May 1882 remained in office until 1885. The officials of Dublin Castle continued in their posts. The men who arrested, prosecuted, and

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broke up the Invincible conspiracy, were still the paid servants of the Crown in Ireland. A statesman who had been a Cabinet Minister in 1882, and to whose house Mr. Parnell directed his steps on the 7th May for counsel and advice, said in 1885 that Mr. Parnell or Mr. Healy ought to be admitted into the Cabinet of the day as Chief Secretary for Ireland. In this same year of 1885, another statesman, Her Majesty's Lord Lieutenant of Ireland, sought out and had interviews with Mr. Parnell in order to discuss with him certain views with respect to the better government of that country. In the general election of that year the party to which Lord Carnarvon belonged had been allied in electioneering opposition to the party that had been in power since 1882; and a statesman now in power, speaking in Manchester in that year, Mr. Arthur Balfour, declared, as follows:—

“There was not one cardinal principle of their (the Liberal) policy which they had in common with the Irish people. That was not the case with the Conservatives. There was one principle which the Conservatives held as earnestly as the party to which Mr. Parnell belongs, and for which they might well be found fighting side by side, and that was the principle of religious education. Upon that question, so far as he understood the matter, the Tory party, the Roman Catholic party, and the Parnellite party were absolutely at one, and, united as they were on that subject, they were divided by a wide and impassable gulf from the Radicals.”

This was in 1885, four years after these horrible deeds had been perpetrated in Dublin; and yet this is how statesmen responsible for the government of these countries spoke of these men in 1885.

My Lords, it was after this lapse of time, after these events had happened, after these and other charges had been spoken by men high up in the service of the State, it was after all this that the London “Times,” at the behest of a more or less secret conclave of Irish Loyal and Patriotic Union conspirators in Dublin, whose names and acts will soon be dragged into the light of day, began its congenial work of morally assassinating Mr. Parnell and the members of his party.

The “Times” could not plead the promptings of personal relationship with either of the two Phoenix Park victims as an excuse for its political resurrection of their mangled bodies. The “Times” could not pretend that it was more concerned for the public vindication of the law than either or both of the two great English parties; nor could it well boast of possessing more intimate knowledge of the facts and surrounding circumstances of the Phoenix Park plot than Mr. Inspector Mallon of Dublin Castle, who wove a net round the Invincibles and smote them with the stern hand of the law. Yet, my Lords, this paper for its own base purposes, sent Houston and Pigott in 1887 to the graves of Lord Cavendish and Mr. Burke, sent this precious pair of mercenary men, one, a known and an accomplished scoundrel, the other, an aspiring youth who was selected to pay for the rascality he had not the experience or the perverted ability to perform himself; the “Times” employed these two men to perform, metaphorically speaking, the ghoul work of body-snatching, in order that the murders of May 6th, 1882, should be brought home to Mr. Parnell, Mr. Justin McCarthy, Mr. Egan, and to others in 1887. The whole world was then called upon to witness in the wounds of Lord Cavendish and Mr. Bourke, the handiwork of Mr. Parnell's party. Letters, purporting to be written by Mr. Parnell to Mr. Egan, and by Egan to Carey and others, were produced and printed, side by side, with the story of “Parnellism and Crime,” so that all the voters of Great Britain might see for themselves, in the columns of the “Times,” the evidence of the guilt of the men whom one English party were prepared to place in power over the destinies of Ireland. And all this, my Lords, done by this paper at the behest of the paid secretary of the skulking Irish Loyal and Patriotic Union conspirators in Dublin, who had given Pigott 1,700*l.* for the manufacture of these letters and stories which the “Times,” for kindred motives, published to the world. My Lords, is there in the wide domain of human action, or in the varied character of physical nature, a contrast so great as that which distinguishes the wife of Lord Cavendish and the sister of Mr. Burke from the ghoul-like performance of the gentlemen of Printing House Square, who come here in the names of England, of law, and of justice, to get from this tribunal an act of indemnity for a conspiracy so base, dastardly, and criminal as that which Pigott's evidence and confessions have revealed.

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My Lords, I shall not detain the Court very much longer; but your Lordship made an observation, I think, yesterday, with reference to one of the rules of the Land League, and kindly invited me to make some remarks thereon. I think your Lordship was slightly in error when you said that one of the rules of the Land League——

(*The President.*) If I used the word “rule,” I was wrong. I did not refer to a rule, but to a resolution.

(*Mr. Davitt.*) Yes, my Lord, it was with reference to the defending of prisoners.

(*The President.*) Yes, you seemed to think there was nothing of that.

(*Mr. Davitt.*) Not in the Land League rules; but in the suggestions I made at the Castlebar convention there was.

(*The President.*) I did use, I daresay, the word “rule.” I was pointing out that that was also contained in the programme of the Land League, using a general phrase. It is contained in the resolution which was proposed or seconded by Mr. Parnell himself.

(*Mr. Davitt.*) A resolution; but it is not found in the rules.

(*The President.*) No, no.

(*Mr. Davitt.*) I do not dispute that in resolutions the defending of prisoners was over and over again recommended, and I wish to say that at the Castlebar convention of 1879, I embodied such a rule in the suggestions I laid down. But I will dispose of the matter, my Lords, in a very few observations.

It is made a charge against myself and others that we paid, or that the Land League paid, for the defence of many prisoners accused of crime and outrage. I do not know in how many instances this has been proved to have happened; but it will be in the recollection of your Lordships what Mr. Parnell and others have said in explanation of the course pursued in this respect. It has been sworn over and over again by witnesses for the defence that there is and always has been a wide distrust of the administration of the law among the peasantry of Ireland. It has arisen out of the unhappy relations which existed between a dominant social and political class and the people so governed.

(*The President.*) One moment, just that you may have before you what I had in my mind. The Land League was organised at the meeting of the 21st October 1879, and it was introduced by these resolutions, the third of which is in these terms:

“Proposed by Mr. Parnell, and seconded by the Rev. Father Sheehy, that
“the objects of the League can be best attained by promoting organisation
“among the tenant farmers, by defending those who may be threatened with
“eviction for refusing to pay unjust rents.”

(*Mr. Davitt.*) Yes, Lord.

(*The President.*) That is what I had in my mind.

(*Mr. Davitt.*) I had not that in my mind; it was the more serious charge brought against us by the “Times” that the Land League defended men accused of crime and outrage. Of course it was contained, as your Lordship has kindly pointed out in the programme put before the first conference, but it dealt exclusively with the matter of eviction. But at the Castlebar convention which assembled previous to this, I think I recommended that members prosecuted for conflict with the police at evictions or offences of that kind might be defended out of the funds of the League, but that particular rule was not embodied in the rules adopted at the conference which called the National Land League of Ireland into existence and to which your Lordship has kindly referred.

With reference to this want of confidence in the administration of law in Ireland on the part of the peasantry, a good deal has been said, and I am sure your Lordships have it in your recollection. The prosecution and defence of persons accused is different in England and in Ireland. In Ireland both are much more expensive. When a person is accused in Ireland, if he is not able to furnish funds for his defence his friends subscribe, if it be a private matter. If, on the other hand, it be in any way public, his political friends and partisans or the public generally come to his pecuniary aid. In all cases in the North of Ireland arising out of party combinations, the association to which the accused belongs pays for his defence. This is notorious to anyone acquainted with the assize of Ulster. If it be a political case, as in the State Trials of 1881, or as in the instance of this Commission, there is a public subscription amongst the Irish people. In the majority of instances adduced here where prisoners were defended, this was done

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at the expense of the local branch of the League which sent costs to Mr. McGough the solicitor of the League, and a requisition to send down or otherwise engage counsel. In cases where Mr. McGough engaged counsel, on the recommendation of local branches, he would make inquiries from the secretary or president of the branch to ascertain if the accused person was a member, or whether the accusation was the work of political malice or of groundless suspicion. In nine cases out of ten (I think that was demonstrated by our witnesses, my Lord), the persons so defended by local branches or by the consent of Mr. McGough were acquitted. Your Lordships may probably remember the evidence of Mr. Daly, of Ballinrobe, a solicitor, who, I think, was brought here by the "Times;" and it might have been modesty on his part, being a lawyer under examination, to say that nearly all the people he ever defended were acquitted. Nearly all the counsel employed for the defence of such persons have since become Crown prosecutors in Ireland, positions to which, I think, there is no parallel in the legal system of this country. The present Judge Curran, Mr. Adams, Crown Prosecutor for Cork, and Mr. Moriarty, Crown Prosecutor for Clare, were those most frequently employed by Mr. McGough to defend prisoners on the recommendation of local branches of the League; and I do not know that any of these professional gentlemen, able gentlemen as they are now in the service of the State, have ever said or hinted that there was anything wrong in their being employed to defend these men and to get them acquitted. The theory of law, as I understand it, whether in England or in Ireland, is that everyone is held to be innocent until proved to be guilty. The practice in this, as in most other theories, may not always, and especially in Ireland, square with the intention of the law itself. Guilty or innocent, however, whoever is accused in these countries is entitled to a fair trial. Owing to the technicalities of the law in Ireland, to get a fair trial is not possible without legal assistance. I presume it is upon this theory that the Crown in Ireland assigns both solicitor and counsel to defend in all capital cases where the prisoner has not means to defray the costs of his defence. Thus, in the case of General Burke, who was tried and convicted of high treason, in April 1867, in a court presided over by Chief Justice Whiteside, the late Lord Chief Justice Fitzgerald, and Baron Deasy, Burke had assigned to him as counsel, by order of the court, the late Mr. Isaac Butt and the present Baron Dowse, who was then a Queen's Counsel. Even in the Invincible trials of 1883 the Government of Ireland had Brady and others defended at the expense of the public, and among the counsel ordered by Mr. Justice O'Brien to defend the Invincible prisoners was the present County Court Judge Webb, who has figured in this Inquiry as the author of the Irish Loyal and Patriotic Union pamphlet *Ipsi dixit*. Under the circumstances of the law as administered in Ireland, I make no apology for any part I have ever taken in obtaining for prisoners a fair trial, and I contend that instead of it being implied as wrong or criminal on the part of the League to have defended some of its members, I say it was to the credit of the branches that they aided the cause of justice in helping it to determine where real guilt lay in a prosecution, and where innocence was wrongfully accused.

My Lords, I have claimed for the Land League that it induced the Legislature to pass the Land Act of 1881, and the subsequent agrarian enactments which dealt exclusively with Ireland. These measures are valuable chiefly because they necessarily involve additional legislation, which must go to the very root of the social evil of Ireland, and sweep away the land system which the Land League was organised to abolish. The extent to which the Land Act has relieved agricultural rents in Ireland up to 1887 is summarised very succinctly in three brief tables contained in an able article which Dr. Walsh, Archbishop of Dublin, contributed to the "Contemporary Review" of last year. I have not the exact date of the article, but it would only take me five minutes to sum up the amount of reduction given and the number of cases heard, but if your Lordship says it will be of no assistance to you I will not inflict it upon the Court. It is about my final observation with reference to the Land League, to show in these tables, carefully prepared, the number of cases heard in the Land Courts, and the amount of per-centage of reduction given in the various counties of Ireland. If your Lordship says it is not necessary I will not trouble the Court.

(*The President.*) They are tables which have not been put in evidence before?

(*Mr. Davitt.*) No, I do not think it was put in evidence, my Lord, therefore I will pass it by. I will pass by what I intended putting.

My Lords, I again express my regret that trained and experienced legal skill was not brought to bear upon the evidence which the defence has placed before this Court;

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because I am convinced that in such evidence, as well as in the weakness of the case presented by the "Times," there is to be found a full and ample refutation of all the charges which that paper has levelled against Mr. Parnell and his party, the Land League, and myself. Your Lordships have, however, to consider this evidence on its merits, and to form a judgment or to issue a report in which due and careful consideration will, I am sure, be given to every point which a trained lawyer would insist upon if such a competent authority on legal evidence had had the performance of the duty which I have attempted to carry out. I have endeavoured in my own way to meet and answer the charges which the accusers have made in "Parnellism and Crime" and in O'Donnell v. Walter against myself and others. I have admitted that the first special charge against me was true, namely, that 20 years ago I was tried for Fenianism and was convicted as such. I have contended that while admitting that there was legal guilt in such action of mine, guilt which, however, I had expiated according to law long before this Commission began its work, that there was in the political circumstances of the time, in the then government of Ireland, and especially in the past history of such government, enough to justify me, politically, and morally at least, for joining in a revolutionary organisation with the view of bettering the condition of the people and the rule of Ireland. I pointed out in my argument that the unwise policy of England in postponing reforms until fierce agitation or secret conspiracy menaced the existence of law and order, put a premium upon illegal combinations, and earned for such action a kind of *post facto* justification when legislation followed in the wake of turmoil and disorder.

With reference to the second special charge made against me, that I had founded the Land League or land agitation with money which had been subscribed for purposes of outrage and crime, I have shown, I hope conclusively, that such an allegation is untrue. I have proved clearly both in my evidence, and in my observations, that the money transaction upon which this charge is based took place in August of 1879, five months after the Irishtown meeting; while I have sworn that not one penny of this money was expended in or in any way connected with the promotion of the conference in the Imperial Hotel, Dublin, in October 1879, from which the National Land League sprang. I have told your Lordships the whole circumstances surrounding the incident of this money, how it was thrust upon me without the asking, the uses I made of it, and the manner in which I repaid it out of my own and not from Land League resources. And I ask this Court in face of these facts and statements to decide that this charge has not been proven. The third and last special charge made against me here, was, that I had had intimate intercourse with members of the party of violence in America, and that I brought about an alliance between such party and Mr. Parnell's party in Ireland. In reply I have given the Court in considerable detail a circumstantial account of those whom I met in America, and what was the extent of my association with them. I have also traced the origin and growth of anti-English feeling among the Irish in America, and endeavoured to give a rational explanation of such antipathy; while I have pointed out incidentally, that this bitter feeling, which was only reciprocating the anti-Irish hatred of Englishmen as voiced by the "Times," has practically disappeared from the Irish-American mind, as the result of Mr. Parnell's efforts and my own in the very movement which the "Times" alleges was meant to be an organisation for the achievement of the complete separation of Ireland from England by means of violence and outrage. The allegation that I brought about any such union as that imputed has come to grief, because it attempted to sit upon two stools at one and the same time. While the writer of "Parnellism and Crime" alleges that I was the connecting link in this so-called "union," the "Times" witness Beach, who was in the Clan-na-Gael in America, and who is supposed to have known all its secrets, said never a word while in the witness-box corroborative of this assertion in "Parnellism and Crime." In fact Beach took to himself the credit of having been the medium of this alleged "union," through an alleged interview with Mr. Parnell in the House of Commons, some time in 1881, while I was a prisoner in Portland. Mr. Parnell has told your Lordships on oath that he never discussed any such subject with Beach; that no such interview was in his recollection, and that no such union was ever desired, planned, or executed by him, or for him, by any one of his colleagues.

Then, in further disproof of this particular allegation, I cited for your Lordships' consideration the resolutions and platforms which formed the charters of the American

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Land League; I told the story of the seven League conventions in America, and the part which myself and others of the persons charged played at these gatherings. I analysed their composition, and pointed out that while individual delegates at each and all of them might be members of the U. B. or other revolutionary bodies, the mass of the delegates were *bonâ fide* Land Leaguers, while the action of each and all of the conventions in their corporate capacity was perfectly in accord with the policy which Mr. Parnell and the other persons charged carried out in Ireland for a clearly defined constitutional end, and by open and legal combination. I have shown that whatever Clan-na-Gael influence was exercised at one or more Land League conventions in America was exercised secretly and not openly; and this Beach has abundantly proved by his so-called secret circulars, not a single one of which makes any the least allusion to any union between the secret revolutionary and the open constitutional movements. While in more than one of these documents the Land League is spoken of as something to be captured, or that ought to be controlled by occult agency if possible. I have cited the constitution, rules, and byelaws of the American League as evidence that there was no truth in the "Times" allegation, as the views there enunciated and the plans of organisation laid down were incompatible with the idea of any compact or understanding with the so-called party of violence.

Then, my Lords, with reference to the moneys received by the Land League of Ireland from America, I have gone into some details of the sources from whence it came. Mr. Parnell said on oath, what I have also testified, that our appeals were not addressed to one class, or one section, or to any organisation in America; but that we addressed ourselves to all our countrymen in the United States without exception, and that the financial resources sent from America to us came from Irishmen and Irishwomen or Americans of different nationalities as such, and not from individual extremists or revolutionary organisations; [and in this connexion I dealt at length with the part played by Mr. Ford and the "Irish World." I quoted from that paper the editor's own declarations that the "Irish World" was not the organ of the Land League or of any other body; that it represented its editor's views and not Mr. Parnell's; and I have likewise shown from its columns that men of all nationalities, including Englishmen, made the paper the medium of their contributions to the Land League of Ireland. In fairness to Mr. Parnell I have pointed out that the "Irish World" was always more partial to me than to Mr. Parnell, and I have referred your Lordships to numerous leading articles in Mr. Ford's paper, from August 1882 to March 1885, in which the Parliamentary policy of Mr. Parnell and the National League programme were severely criticised and attacked; and I have pointed out incidentally that these articles were appearing at a time, or rather during a portion of the time, when the "Irish World" was likewise advocating a policy of extreme violence against England, to which policy of violence I took the strongest possible objection in a letter which I wrote early in 1883, and which was published in the press by Mr. John Ferguson, of Glasgow, and which was read here in Court, and which your Lordship kindly said yesterday or the day before you recollected. And finally with reference to the American part of the case, I have told your Lordships that whatever I may have said or proposed in Brooklyn or Boston, or what I may have said in speeches in other parts of America or elsewhere upon the National independence of Ireland, these sentiments were not adopted in the Land League programme agreed to at the conference of the Imperial Hotel, Dublin, in October 1879, nor in the resolutions and platform submitted by Mr. Parnell to the New York Hotel conference on the 13th of March 1880. Mr. Parnell and the other persons charged are to be held responsible for what they drew up or agreed to in the way of programmes or resolutions, and not for what I said or proposed on my own individual responsibility before or after the Irishtown meeting.

Then, my Lords, I told the story of the Irishtown meeting and the agitation which followed, and I repeated here what I said on oath, that there was no truth in the allegation that Fenians as such organised that meeting or promoted such agitation. I told your Lordships in the witness box, and referred again to it in my observations, that the I. R. B. expelled me from their organisation early in 1880 for having joined Mr. Parnell in the Land League movement, and I have read or referred to manifestoes issued by the I. R. B. in 1880 denouncing agitators and the Land League.

I then, my Lords, gave a general defence of the land agitation and the Land League, and in reply to the charge of the "Times" that the League was an organisation for

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the attainment of certain ends by means of murder and outrage, I cited the programme and work of the League, and showed that their object was the abolition of landlordism by agitation and parliamentary reform, and that the charge of the "Times" was grossly libellous and untrue. I dealt with the charge that none of the persons incriminated ever denounced outrage, and I quoted from the "Times" own witness, Bernard O'Malley, of the Royal Irish Constabulary, his admissions that at the Land League meetings attended by him the invariable rule was a warning by speakers against crime or outrage. I also read or referred to my own and others' speeches denunciatory of crime and other outrage. Then, my Lords, I went into the origin and causes of agrarian crime, and I cited numerous articles from the "Times" itself in which evictions and landlord neglect of duties to their tenants were affirmed to be the source of agrarian discontent and crime; after which I gave a general review of what I deemed to be the chief charges made against myself and others, and commented upon the evidence pro and con. My general contention upon the whole "Times" case is that it was put forward for a political and party purpose, that it was the outcome of an I. L. P. U. conspiracy against Mr. Parnell, and that the vilest instruments were employed by both Houston and Mr. Scames to sustain the charges which centred round the forged letters and the bogus Eugene Davis interview. I affirm, my Lords, that a fair and unprejudiced study of the history of the Land League both in Ireland and in America, and an honest review of Mr. Parnell's acts and words in the League, will reveal nothing that is not perfectly consistent with the evidence which he gave in that witness box before your Lordships. I therefore ask your Lordships to reject the "Times" case in its entirety, and to report that its charges and allegations in *O'Donnell v. Walter* have not been sustained by evidence and ought never to have been printed or circulated. I may remark, my Lords, that no evidence whatever has been offered by the "Times" against the following members of Parliament beyond speeches, though they are all charged with having planned murder and paid agents to carry out deeds of assassination: Mr. J. R. Cox, Mr. Jeremiah Jordon, Mr. J. E. O'Doherty, Mr. Michael McCarlan, Mr. John J. Clancy, Mr. T. D. Sullivan, Mr. Henry Campbell, Mr. John Stack, Mr. Denis Kilbride, Mr. James Leahy, Mr. Patrick C. Chance, Mr. Thomas Quinn, Dr. J. F. Fox, Mr. Michael Conway, Mr. L. P. Hayden, Mr. F. A. O'Keefe, Mr. Justin McCarthy, Mr. Joseph Nolan, Mr. Thomas P. Gill, Mr. Daniel Crilly, Mr. James F. O'Brien, Mr. Richard Lalor, Mr. Andrew Commins, L.L.D., Mr. Edmund Leamy, Mr. P. J. O'Brien, Mr. Matthew J. Kenney, Mr. Patrick J. Power, Mr. James Taite, Mr. Donal Sullivan, Mr. John Barry, Mr. Garrett M. Byrne.

Then, my Lords, with reference to Mr. Parnell, I have to make this final observation. The Government which suggested and appointed this Commission to try him for alleged complicity in the Phoenix Park murders, appointed him and Mr. Sexton, before the close of your Lordships' labours, to determine, with other members of Parliament, what additional moneys should be given out of the Imperial taxes to the heir to the Crown. While Messrs. McCarthy and Arthur O'Connor, two members charged here with planning and paying for murder and outrage, have been selected, with other members of Parliament, to act, when necessary, as deputy speakers of the House of Commons, since your Lordships began this inquiry.

My Lords, I have reached the end of my task. I am only too sensible of the fact that I have trespassed upon the patience and forbearance of the Court to an extent which, possibly, would not be permitted to a lawyer. I am thankful, therefore, for such latitude, as well as for the unfailing fairness and courtesy of your Lordships towards me, personally, from the very commencement of this inquiry. I know too well that I have spoken hot words and resorted to hard phrases in arguments which may have been out of place in the calm region of a court like this. But that was because I felt that the character of the charges I have tried to meet and to answer was such as merited the strongest possible language of condemnation. I came here to address this Court contrary to the advice of Mr. Parnell, who was the central figure and chief object of the "Times" malignant allegations. I have therefore spoken only for myself. I felt that it was my duty to come here, no matter who should advise me to the contrary. I may be wrong in my opinion, but I thought and believed that if one with my record of suffering, physical and otherwise, at the hands of Irish landlordism and Castle rule; of the conflict of a lifetime with the law as it has been administered in Ireland; of the punishment which that conflict has entailed, I felt and

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believed that if I came before this tribunal and pleaded, in my own way, the cause of the Celtic peasantry of Ireland, that perhaps the story which I have told, and the case which I have submitted might possibly, in part or in whole, arrest the attention of the people of Great Britain, when they come to study your Lordships' labours and report. And I thought and hoped that in the defence which I have made there might possibly be found some help in the task of finally solving this Anglo-Irish struggle. Should my hope be realised, should I have contributed but in the least possible degree to point to a just and feasible solution of a problem which would bring peace and some chance of prosperity to Ireland, I would be happy in the recollection of the task which I am now bringing to a close. I can only say that I represent the working classes of my country here as I did in the Land League movement, and I know that they feel as I do, that no matter how bitter past memories have rankled in our hearts, no matter how much we have suffered in the past in person or in cause, no matter how fiercely some of us have fought against and denounced the injustice of alien mis-government, I know that before a feeling of kindness and of goodwill on the part of the people of England, Scotland, and Wales, and in a belief in their awakening sense of justice towards our country, all distrust and opposition and bitter recollections will die out, the Irish heart, and the Anglo-Irish strife will terminate for ever when landlordism and Castle rule are dethroned by Great Britain's sense of right and justice.

My Lords, I now bring my observations to a close. Whatever legal points are to occupy your Lordships' study and care in this long and arduous investigation it will appear to the public who will study the report or the decision of this tribunal that two institutions stood indicted before it. One has had a life of centuries, the other an existence of but a few brief years. They are charged, respectively, by the accused and the accusers, with the responsibility for the agrarian crimes of the period covered by this inquiry. One is Irish landlordism, the other is the Irish Land League. The "Times" alleges that the younger institution is the culprit. The Land League through me, its founder, repels the accusation, and counter-charges landlordism with being the instigation and the cause, not alone of the agrarian violence and crime from 1879 to 1887, but of all which are on record from the times spoken of by Spencer and Davis in the days of Elizabeth, down to the date of this Commission. To prove this real and hoary headed culprit guilty I have not employed or purchased the venal talent of a forger, or offered the tempting price of liberty for incriminatory evidence to unhappy convicts in penal cells. Neither have I brought convicted assassins or professional perjurers, like the Delaneys and Le Carons, before your Lordships. I have not sought assistance such as this with which to sustain my case. Nor have I been aided by the Colemans, Buckleys, and Iagos as confederates, or had to scour the purlieus of American cities for men who would sell evidence that might repair the case which Richard Pigott's confession destroyed, and which is self-inflicted death has sealed with tragic emphasis.

My Lords, I did not go to such sources, or resort to such means, for testimony against Irish landlordism. I relied not upon the swearing of spies or informers, but upon disinterested facts, left as legacies to truth by men who are held in reverence by England for services rendered to their country, to justice, to humanity. I have reproduced the words which these men have left on record against crime-begetting Irish landlordism. Among those quoted as authorities, but not of them, one with them in their verdicts though not to be classed otherwise with honoured names, I have placed the "Times" newspaper, which is the Land Leagues accuser. I have made it speak its own condemnation, and compelled it historically to exculpate the League. The face of what the first editorial ever written in its pages called the Janus of journalism, the face which circumstances have sometimes forced to look towards truth by power akin to that which compels matter to look towards the sun. I have made to confront and shame by contrast the other face of fraud and falsehood, which like an evil genius has led England to regard with hate and distrust every effort of the Irish people for right and justice. I have made the "Times" of 1847 and of 1880 give the lie direct to the "Times" of this Commission, and have caused it to become my strongest historic accuser of the evil system which it now condemns by its very advocacy. To this testimony I have added the sworn evidence of the persons whom it charges with the deeds of its client; the evidence of the living actors in the Land League movement, and of others who represent every class into which Ireland's

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population is divided—bishops, priests, members of Parliament, municipal representatives, journalists, merchants, traders, farmers, labourers, mechanics, and landlords and lawyers, who one and all say with the “Times” Red Book of 1880, that eviction and threats of eviction are the chief source of all agrarian crime in Ireland.

But, my Lords, there is another and a higher interest involved in the drama of this Commission now rapidly drawing to a close, an interest far surpassing in importance, and the possible consequences of your Lordships’ judgment, anything else comprised in this investigation. It stands between the “Times” and landlordism, on the one hand; the persons here charged and the Land League, on the other. In bygone ages historians, with some prophetic instinct, called it “The Isle of Destiny;” and my Lord’s destiny seems to have reserved it for a career of trial, of suffering, and of sorrow. That same destiny has linked this country close to England. Politically it has remained there for 700 years and more. During that period few peoples ever placed upon this earth have experienced more injustice or more criminal neglect at the hands of their rulers than we have. This even English history will not, and dare not, deny. This land so tried and treated has, nevertheless, struggled generation after generation, now with one means, now with another, to render the sphere of its contracted religious, social, and political liberties—liberties so contracted by the deliberate policy of its English governing power; and ever and always were these struggles made against the prejudice and might, and often the cruelties, of this same power, backed by the support or the indifference of the British nation. But, despite all this, the cause so fought and upheld has ever and always succeeded, sooner or later, in vindicating its underlying principles of truth and justice, and in winning from the power which failed to crush them a *post facto* justification of their righteous demands. A people, my Lords, so persevering in its fight for the most priceless and most cherished of human and civil rights; so opposed, but so invariably vindicated; might, surely, in those days of progress and of enlargement, excite in the breasts of Englishmen other feelings than those of jealousy and hate and revenge, and of fear. In many, thank God, it has appealed successfully, at last, to what is good and what is best in English nature. It has spoken to the spirit of liberty, and has turned the love of justice in the popular mind towards Ireland, and has asked the British people, in the interests of peace, to put force and mistrust away with every other abandoned weapon of Ireland’s past misrule, and to place in their stead the soothing and healing remedies of confidence and friendship based upon reason and equality.

The verdict of this Court, the story told in the report of this Commission, may or may not carry the appeal which Ireland’s struggles and misfortunes have addressed to the conscience and fairness of the English nation much further than it has already travelled in the British mind. But one thing, at least, the history of this Commission will have to tell to future generations. It will narrate how this progress of conciliation between ruled and rulers was sought to be arrested; how a people asking for justice were answered by ferocious animosity; how men who had suffered imprisonment, degradation, and calumny in their country’s service, were foully attacked by the weapons of moral assassination, and how every dastard means known in the records of political warfare were purchased and employed to cripple or destroy the elected representatives of the Irish nation. This story will picture this once powerful organ of English public opinion earning again the title of “literary assassin” which Richard Cobden gave it near 30 years ago. It will stand again in this light when its writers are seen plotting with Houston, planning with Pigott, and bargaining with Delaney how best to re-awaken in the English mind the old hate, and jealousy and fear of a people who were depicted in its columns in the most odious and repulsive character that forgers or libellers’ mercenary talent could delineate in “Parnellism and Crime.” This story will exhibit these men sitting in the editorial rooms of Printing House Square with professions of loyalty on their lips and poison in their pens; with honesty loudly proclaimed in the articles which salaried falsehood has written; with simulated regard for truth making, “shame or shamed,” of their concocted fabrications; and these men with the salaries of the rich in their pockets and the smiles of London society as their rewards, carrying on a deliberately planned system of infamous allegation against political opponents who were but striving to redeem the sad fortunes of their country in efforts to bring to an end a strife of centuries’ duration between neighbouring nations and peoples. Between the “Times” on the one hand and the accused on the other, your Lordships are, however, first to judge. It is, if I may say so without presumption, as

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serious and momentous a duty as judges of England were ever before called upon to perform.

The traditions of your Lordships' exalted position, elevated as that position is above the play of political passion or the influence of fear or favour, will call, and will not, I am sure, call in vain, for the exercise of all those great qualities of trained ability, of calmness, of discernment, of judgment, and of courage which are the proud boast of the judicial bench of this land.

Whether or not the test of a cold indiscriminating law will alone decide an issue in which political passion has played so great a part, and where party feeling has been a moving principle in acts and words; whether the heated language of platform oratory, or the sometimes crude attempts at political reform, are to be weighed in the balance of legal scales, scales never fashioned, at least in England, to measure the bounds of political action; or whether the test is to lie with a discriminating judicial amalgam of law in its highest attributes and of calm reason applied to the men, and motives, and means of the Land League, as the accused, and to the "Times," its charges and allegations as the accuser, I am, as a layman, unable to forecast.

But, be the test what it may, if it be only based upon truth and guided by the simple monitor of common sense, I say on my own behalf and on that of the Land League and of the peasantry of Ireland hopefully, confidently, fearlessly, "Let justice be done though the heavens fall."

(*The President.*) Your expression of regret for want of trained skill was certainly not necessary. You have put your arguments before us with great force and ability, and we are obliged to you for having given us the assistance which has been withheld from us by others.

(*Sir H. James.*) My Lords, I commence the attempt to discharge the most heavy and responsible duty that has been allotted to me with some considerations fully impressed upon my mind. My Lords, I shall not forget that the words that fall from me, even from me, may prove to be words either for good or for evil. I also remember that your Lordships have a right to expect from me some assistance in the arrangement and collection of the mass of evidence that has been placed before your Lordships, an assistance not always to be expected within the ordinary area of advocacy. I shall also note that the absence, the regrettable absence, of my learned friends, and some of their clients, casts upon me in a double degree that duty, ever a paramount duty, of endeavouring to maintain the strictest accuracy in every statement I shall submit to you, and also will impose upon me the task of verifying in detail by the evidence such statements as I shall feel it right to make.

My Lords, I should also wish to say that if, in the course of the observations I have to make, I shall have to criticise, perhaps condemn, the conduct of men whom I am in the habit of meeting in public life, that such a task in itself affords no pleasure to me. Yet, whilst I shall endeavour to temper that criticism by the maintenance of a courtesy which never weakens advocacy, yet my duty, my paramount duty, is still to those clients whose interests now in the last moments of this investigation have been committed to me; and I shall endeavour to discharge that duty, not seeking or desiring any man's praise, and careless, fully careless, of the amount of criticism which I have no doubt will be applied to the attempt I am now about to make to fulfil that duty.

My Lords, I am very anxious to occupy no portion of your time, which is public time, with any remarks of a prefatory character, and I think, before I attempt to grapple with the issues raised in this investigation, there are three questions which were submitted to your Lordships by the way of argument by my learned friend, Sir Charles Russell, in the speech he made to you on behalf of Mr. Parnell. As I am mentioning that speech, I hope your Lordships will allow me to take the first opportunity that I have had in public of expressing my admiration for that display of forensic ability which my learned friend, in the course of the discharge of his duty, placed before your Lordships. The respondents in this case have been fortunate in having been able to secure the services of my learned friend. An Irishman by birth, with a life's training fitting him for the discharge of his duty, with a zeal fostered by many causes, my learned friend took full advantage of the opportunity afforded him of showing that amongst the members of the English bar there are those who are still able to maintain—perhaps add to its character and reputation for ability and for industry.

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My Lords, if I have now again, as I fear I shall often have, to refer to the speech of my learned friend, it will not be with the object of measuring swords with him, still less will it be with the intention of meeting political propositions which frequently enough appear in my learned friend's speech. The only object that I shall have in making reference to the argument of my learned friend will be to endeavour to show your Lordships that many of the propositions that my learned friend made to you were not founded upon the evidence that has been adduced before this Commission; and still more shall I endeavour to show that the admissions my learned friend endeavoured to draw from that evidence are not accurate or well founded admissions.

My Lords, the questions that my learned friend submitted to you, and to which I now desire in the first instance to refer, were three. My learned friend, Sir Charles Russell, asked you to consider in this investigation who are the accusers? Who are the accused? and, At what time and under what circumstances were the accusations that are to be inquired into made? My learned friend answered those questions, by way of propositions answering them, and he stated to you that the accusers are the "Times"; he called them a partnership, or syndicate. A partnership, if consistent in nothing else, that have ever been consistent in unrelenting, unvarying hostility to the Irish people, and also to the cost of that people. My Lords, that statement was made without any attempt to prove it. My learned friend quoted some disjointed scraps of gossip, some of them so obscure and so disjointed that no one has yet been able to trace them, and yet that grave charge, a charge that was made in the same speech, comprehending many suggestions of my friend's charges made against my clients, has been allowed to pass by without an attempt, as I say, to support it, and it is now lying where it fell from the lips of my learned friend.

My Lords, I have of course to bear in mind the rule that must govern the proceedings of this Court, and unless here or there we touch upon matters of history, or of common knowledge, I feel that I have no right to refer to specific matters and for the first time to place it for the first time in evidence before you now in order to refute the charge that my learned friend has brought against the "Times." At the same time I am entitled to refer to documents that have now been used in evidence either by my learned friend himself or by Mr. Davitt in the course of the speech that he has submitted to you, and to occupy as little time as I can, and speaking only in very general terms I seek to traverse with as strong a hand as is at my disposal the allegation of my learned friend that he makes in this charge against the "Times" newspaper.

Of course much depends from the point of view in which we approach the interests of the Irish people; much depends upon what we regard as the interests of the Irish people; and, therefore, it may be that my learned friend has drawn, as I regard it, a distorted delineation of the action of the "Times" newspaper when he has made this grave charge against its proprietors. As I say, generally speaking, I have my answer to my learned friend's charge. I say that wherever the material interests of the Irish nation have been involved, the "Times" has been the consistent and systematic defender and supporter of those interests. When religious equality was sought for by the leaders of the Irish people there were no stronger defenders of that contention than those who represented the "Times" newspaper. When the fate of the emancipation of the Roman Catholic population of Ireland was at stake, the "Times" was the most earnest supporter of emancipation. When benefit could come to the Roman Catholic population by securing to them the education they received at Maynooth, the endowment by the State of Maynooth was consistently supported by the "Times" newspaper. When, again, freedom was to be given to religious denominational faith by the disestablishment of the Irish Church, heartily did the "Times" newspaper support such freedom.

It may be that seeing wide difference between those interests that affect the benefit of the Irish nation and the action and the interests of agitators working for political ends, by methods the "Times" condemned, the same time that there has been given support to the freedom of action of the Irish people, who also in the opinion of the "Times" were leading those people astray, had to receive the condemnation of those who were endeavouring to aid the Irish people.

My Lords, it has not only been in support of religious equality and abrogation of penal laws that the conspirators of the "Times" newspaper have contended; they sought to extend the political franchise as early as the year 1850. They had been no opponents of the extension of that franchise, the equal franchise to the inhabitants of

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Ireland in later times, and still perhaps giving more earnest proof of the identity of their feelings with those who were associated in the material prosperity of Ireland, or in allaying the sufferings of its people—amongst those who endeavoured to stay the effects of the direst famine that has ever affected probably any of the subjects of the Queen at least—it was in the year 1846 that the proprietors of the “Times” threw themselves heartily in the offer of assistance that was given to the Irish people, and at that time at least there were many amongst that generous nation who had a return of gratitude, and not of condemnation, to make towards the proprietors of the “Times.”

My Lords, even in respect of this very matter that is now raised, this special state of things existing in Ireland, I mean to say that has of late existed between the landlords and tenants of Ireland, the “Times” has not been found always on the side of the landlord. If I may refer particularly, and this is the only reference I shall make to a particular quotation, I would call your Lordships’ attention to that very document to which Mr. Davitt has referred, to this pamphlet from which he quoted at length, the pamphlet published in the year 1880, a collection of articles that were written at the time when the pressure of famine was heavily upon small landlords, landowners, land occupiers, rather, of Ireland, and from this view I do not know that the “Times” in principle has ever deviated. As early as 1847 the “Times” wrote—

“We may confidently appeal to what we ourselves have done for Ireland.
 “We have risked the goodwill of the whole English aristocracy by the zeal and
 “perseverance with which we urged the duties of property. We laboured that
 “the absentee should be a byword and a reproach, a very outcast from English
 “society. We risked our credit for truth by retailing with strong comments
 “Irish narratives of ejection and clearance, extermination and death. We were
 “ready to support Ministers in any measures required for the famine, however
 “arduous and costly. Nay, to go further back, the O’Connells may know by
 “domestic tradition that while we kept no terms with Repeal, or with the
 “liberator himself, so long as he was marshalling millions on the old battle fields
 “of the Saxon and Celt, we nevertheless always received from his hands with
 “favour and indulgence any project whatever that intended the substantial good,
 “not the further division and exasperation, of the people.”

And, my Lord, in similar words, and at least with similar intention in this very article, an article of December 1847, a writer in the “Times” said:

“The people of England see not merely with horror and disgust, but with a
 “sober apprehension of danger, that the leaders of Irish opinion and the selected
 “champions of the popular hierarchy, throw the veil over crime, and ask license
 “for outrage. They see that the mercies of this party are reserved for the
 “assassin, and its severity for the victim.”

My Lord, the principles in those two extracts, I think, have controlled the conduct of the “Times” from then until now. When there was legislation intended to benefit the tenant, when the Land Act of 1870 was proposed, the “Times,” from the point of view accepted by the writer in 1847, gave it a full and complete support. In the later Act of 1881, not founding its support upon economic views, but regarding it from a matter of necessity, again the Irish tenant found a supporter of that Act—that great charter, as my friend has termed it, that great charter of the Irish tenant, in the “Times.” And thus, my Lord, it has been that whilst that act of substantial benefit has received the support of that, which is admitted, even by my friends, to be a great power in this country, a great and influential journal, at the same time, it is on behalf not of a class, and a paramount class, but on behalf of the whole Irish nation, who have most needed protection. It has struck home, and it has struck admittedly hard against those who in the language of this article have been supporting the assassin and attacking the victim.

My Lords, such, in very brief terms, is the reply I make to my friend’s first question, “Who are the accusers?”

The second question was, “Who are the accused?” and my learned friend summed up that question by using a quotation often made; he said, my Lord, it is accusing the whole Irish nation; and then employing the often-repeated quotation of Burke, he told your Lordships of the impossibility of the task of ever indicting a nation.

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Well, my Lord, if that task has been impossible before, my learned friend, Sir Charles Russell, has demonstrated to your Lordship the possibility of such an indictment being preferred. He has, in his speech, charged the people of this country—charged the people of Great Britain, with fraud, with cruelty, and with oppression; and I know no more grievous charges than those that could be resolved into the form of an indictment; and, while I have not to make answer to my friend's charges, historical as they are for the most part in character, at the same time I accept from him the proof of his experience that such a charge could be made if it were necessary to be preferred. But, my Lord, I take a different ground from that. No charge has been made against the Irish nation. A charge has been made by the "Times" newspaper against a system and a combination of men. It is true that the combination has included many men. Many men have joined that combination, some from interest, as it has been admitted; some from terror, as it has been proved. And, my Lords, if it be that the acts of that combination, when investigated, are proved to have represented a system of cruel oppression to those who differed from its principles; if it has been proved to have imposed burdens not only immoral but unjust upon men who ought to have been free from them. Then, my Lord, the first observation is that upon such a combination no nationality can be founded; from such a combination no freedom can spring, and, if but one tithe of the attack that has been made can be supported, then, my Lord, I say that the sooner that indictment is preferred, the sooner the trial is had, the sooner the judgment is delivered upon that indictment, the better will it be for those who have suffered long and grievously from the acts of that combination, and even still better will it be for the character and fame of those, the actors, who have persisted in maintaining it, and in carrying on the acts that that combination has thought right to impose upon the Irish people.

But, my Lords, one question now remains for me, the third question that my friend submitted to you. He asked, When was it that these accusations "were made"? I will tell him the time when they were made. In the meeting of Parliament in the year 1887, in the debate that arose upon the reply that should be made to the speech of Her Majesty from the throne, Mr. Parnell had spoken, and in the course of his speech he stated to the House of Commons, as appears in the evidence before your Lordships, that there were but two alternatives for the Irish people, they had to choose between the Land League and the class of men who have been termed before your Lordships "the Invincibles." That speech was made in the month of February 1887, and the first article that had been subject to inquiry in *O'Donnell v. Walter*, the first article that constitutes the publication called "Parnellism and Crime," the announcement is made by referring to that saying of Mr. Parnell's. It quotes his words, and refers to them in Ireland,—the choice lays between the League and the Invincibles, and it was for the purpose of demonstrating that if the alternative were as Mr. Parnell stated only between the Invincibles and the League, sad would be the fate of that country if the Invincibles were put on one side as the massed influence over a nation there should remain one other, the Land League, to become, as it has vauntively been said, in this case, *de facto*—the absolute Government of Ireland. My Lords, that was the time when these accusations were made, but my learned friend also, in reference to the "Times," says that there were charges made which, with one exception, had often been made before. They were stale, raked up charges, of which men had spoken in many years gone by. I differ from my learned friend, if these specific charges have ever been made in the form that they are now presented to you. Still in substance there has been reference made to charges of a character similar to those which are now presented to your Lordships, especially made in the years 1881 and 1883 in Parliament.

But my Lords on that suggestion of my friend an observation arises. The proofs in support of these charges has never been collected together—has never been arranged—has never formed one body by the connecting link of our chain of evidence, and the answer that I will give to my friends statement that these are old state charges. I propose with your permission to postpone. I will postpone the full answer until I have made that attempt let one succeed or fail in endeavouring to place before your Lordships, in collecting the different branches of the evidence bearing on the proposition I have to submit to you. And then my Lords, I shall submit to you, and then I shall submit with confidence that never before have the people of this country known the proof that can be adduced in support of the charges the "Times"

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has preferred, That verdict, the only one I ought to look to, the decision of your Lordships, must be given upon evidence governed by our rules affecting testimony, and by evidence that I trust will be conclusive in support of the proposition I shall now submit to you.

My Lords, desirous as I am at once to approach the material matters affecting the very issue raised in this inquiry, there still is one subject matter that stands between me and the grappling of the real facts of this case.

I refer to those matters fully dealt with by my friends speech which are of a historical character. It is difficult for me to determine the extent to which those historical matters may fairly be regarded as affecting the issues that are before this Commission.

I have been to a great extent guided by the course my friend thought it right to take when he dwelt at length and in great detail on matters entirely of a historical character. I think his speech has taught me much that I shall be enabled to avoid; yet these matters from the point of view, which I am now presenting to your Lordships, are not entirely unimportant. Their importance arises, not I think from their inherent value, but from the attempt that has been made by my friend to attach a false value to them. Speaking very generally my learned friend's mode of argument and reliance upon this historical argument and endeavour to show to you that the condition of things that existed in later years in Ireland sprung from causes of historical character.

My Lords, in that I think my learned friend's fallacy consisted. It is only necessary for me to refer to these causes, which I shall term historical causes, and to those arguments founded upon them by my learned friend for the purpose of showing their entire irrelevancy to the matter which is now before your Lordships. I desire to sweep them away, I desire to show them non-existent, because it is necessary that I should trace home to men of a later time the causes of crime in Ireland. If my friend should prove to be right, that that which existed in Ireland after the year 1879 was of spontaneous growth, if he should prove there were causes of discontent that brought into existence crime, that fostered it, and rendered its increase inevitable, my friend does much to meet the charge of personal responsibility brought against his client and the co-respondents, those who are respondents with Mr. Parnell in this inquiry. Therefore I have (it will not occupy much of your Lordship's time) to sweep away my friend's argument and to show to your Lordship that those old causes of discontent had been removed, that there remained but one means, and one method of artificially creating discontent in Ireland.

My learned friend's mode of argument, if I may say so, proceeded farther. A slight want of discrimination between the past and the present, my learned friend seemed to have been materially affected by the possession. I should think from the manner of his speech the recent possession of Sir George Cornwall Lewis's book. My friend seemed, by the extent of the quotation taken from that book, to regard it as a complete explanation of all that occurred in Ireland. And speaking as I have every cause personally to speak with the fullest appreciation of the great and statesmanlike qualities of Sir George Cornwall Lewis, yet, my Lord, it must be remembered that that book was written in the year 1836; it was dealing with reports of 1823, 1824, and 1825; it was dealing especially with the evils resulting from the collection of tithes in Ireland; it was in reference to that particular object. And if we are now to trace events to causes, it was dealing in relation to the year 1879, with a past and historical period. It was dealing with facts now existent in the time covered by this inquiry, and dealing perhaps, with grievances of the Irish people which happily are entirely removed.

Your Lordships will recollect that my learned friend placed before you what he termed four causes of discontent and crime in Ireland. Avoiding, as I have said I would wish to do, mere historical retrospect for its own mere sake, it is necessary to combat the proposition my learned friend founded upon those four causes, when he alleged that the discontent which created the crime of the year 1879 and of subsequent years, proceeded still from those four causes.

Thus it will be in your Lordship's recollection what my friend stated. I may refer you to the portion of his speech which, I think, will be found at page 3630 and 3631. In passing, I refer to that for your Lordship's note. I may summarise what my friend states. The four causes Sir Charles Russell referred to, the causes of discontent and

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crime were restriction on the commerce and manufactures of Ireland; the penal code' or as he afterwards, by his reference, I think, rather explained the meaning of that phrase, religious disability and inequality; the power of the landlord over the tenant, and the mistrust of the Government of Great Britain, as he termed it. Very briefly, I say that those suggestions, if causes of discontent can be clearly shown to be unsupported by any argument, that I think deserves consideration from your Lordship.

Let me deal first with what is termed this commercial injustice, the restrictions placed upon commerce and manufactures. It almost raises a smile upon those who are dealing with the practical questions in this case; it raises a smile, I say, upon their face to recollect that this commercial injustice is said to spring from the exclusion of Ireland from the benefit of the navigation laws passed more than 200 years ago in the year 1663. My friend could refer to the obstacles thrown by the legislation in the way of the shipping of cattle from Ireland to Great Britain in the year 1665 and the year 1680, still beyond the two centuries, and then my friend could tell you also historically of the duties imposed upon the woollen trade yet again in the 17th century in the year 1699. Well, those may have been harsh measures, it was following out the policy that this country showed not only to Ireland but also to Scotland and to our colonies in America. It was the fashion of the times. It was no more.

And, my Lord, that was the same policy shown not only to Ireland but was shown wherever England had the power to affect other countries, is shown by that book at least by the writer of that my friend has quoted from so much of Mr. Leckie's book, when he says in his second volume "England did to Ireland but little more than she had done to America and Scotland, and she acted in accordance with commercial principles that then governed her colonial policy."

Well, my Lords, whether this be important or not as affecting the action of the Irish people, and the times when that legislation was in existence, it is more important for your Lordships to consider that all such legislation has long since died away, and its effects have long since passed into a buried past.

By the very union between Great Britain and Ireland all duties on importation of goods from one country to the other vanished, and they became a united country. By the free trade policy of 1846 the protected duties were finally swept away. Long, long ago, in 1779, the restrictions upon importations were removed—the restrictions between England and Ireland were entirely removed, and I could again quote authority for that statement, and it is, perhaps, instructive it should be read—the authority of Mr. Lecky, in his 4th volume, at page 500, where he says:—

"At the close of 1779, and the beginning of 1780, a series of measures were carried in England which exceeded the utmost that a few years before the most sanguine Irishman could either have expected or demanded. The Acts which prohibited the Irish from exporting their woollen manufactures and their glass were wholly repealed, and the great trade of the Colonies was freely thrown open to them."

And then, my Lords, not to read the whole of the quotation, it proceeds:—

"Thus fell to the ground that great system of commercial restriction which began under Charles II., which under William III. acquired a crushing severity, and which had received several additional clauses in the succeeding reigns."

And in respect of these restrictions on Irish industry, that authority upon which my learned friend Sir Charles Russell has very fully relied. I am speaking of Dr. Grimshaw's report—there appears this summary, page 331:

"No doubt Irish industries were interfered with by hostile tariffs and legislation of a restrictive character; but so were industries all over the world and in every country, but so far as I can find, the only industry which suffered materially in this way was the wool industry, which could scarcely have grown into a serious competition with England after the introduction of steam machinery."

And, my Lords, so it was that all these restrictions, and these unhappy burdens upon Irish industry were swept away for the most part more than a century ago is one of the causes upon which my learned friend now relies as being the natural parent of

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discontent so as to relieve his client from any responsibility in having festered or created a state of things existing for ten years past in Ireland.

(The Court adjourned for a short time.)

(*Sir H. James.*) My Lords, we have to deal with the second of these so-called natural causes; causes of discontent and crime referred to by my learned friend. And as you will recollect that second cause was alleged by my learned friend to be the existence of penal laws, or, as I have mentioned, explained I think, more appropriately would be the existence of religious inequality, unequal rights. Of course, dealing again this historical subject you are not inquiring whether there has been at any time injustice shown to the subjects of the Queen holding any denominational or peculiar religious views. The material matter is to see whether such or similar cause could have been a moving reason for the state of things existing in Ireland during the period under consideration. My Lords, my learned friend in support of his contention that these penal laws, as he terms them, form the cause of discontent, productive of crime, referred especially to the authority of Mr. Lecky, and my friend did so at page 3632 of his speech; and he also stated that the relaxation of those laws resulted from the effects of Irish opinion, popular opinion. My friend read a quotation from Mr. Lecky which, without doubt, shows, as we all know, that there have been heavy penal laws affecting Roman Catholics in Ireland, as they had affected them equally in England, and that passage was read by my friend. I never, my Lord, used towards my learned friend any covert suggestion that it would have been better if other passages of any document had been read. It is a method of observation which is distasteful, and I am sure my learned friend only did what any of us would have done; he read such portion of an authority as he deemed to be of assistance to the argument which he was using, but it is a fact that Mr. Lecky, whilst he does use words of condemnation of the penal laws existing against Roman Catholics, also added to that condemnation very material matter. My Lord, Mr. Lecky says immediately before the passage that my friend Sir Charles Russell read—

(*The President.*) What page?

(*Sir H. James.*) There are two passages to which I wish to refer. There is first Lecky, page 301, and there is also reference to the same subject though not the exact words I am reading, at volume 4, page 577, and Lecky, volume 6, page 500. But in reference to the speech which was quoted by my learned friend at page 3632 your Lordship will find that it is a misprint, it is no error of my friend's. It is ascribed to Mr. Froude, it is really Lecky. It is at the bottom of page 3532. My friend quotes from the first volume, page 301, words of very strong condemnation of the legislative system applied to Roman Catholics. But my Lord immediately before the passage my friend quoted appear these words.

“The policy of extinguishing Catholicism by suppressing its services and
“banishing its bishops was silently abandoned: before the middle of the 18th
“century the laws against Catholic worship were virtually obsolete, and before
“the close of the 18th century the Parliament which at the beginning of the
“century had been one of the most intolerant had become one of the most
“tolerant in Europe.”

And so, my Lord, the cause that my learned friend placed before you as one of those four causes that had as a fact produced discontent, leading to crime, according to the authority which my learned friend quotes to show the evil of that repressive system had passed away, and the system and the laws alike had become obsolete, and there had been perfect freedom shown as early at least as the 17th century to the Roman Catholics in Ireland.

My Lord, I do not know that it is worth mentioning, certainly not worth dwelling upon; but whilst my learned friend, attacking as I said just now a nation, and attacking the English people for the course they had pursued towards Ireland, attributed to English legislation all that was evil, and to the effect of Irish popular opinion all that was good, he must have noted that whilst such was his charge, the authority from whom he had quoted, Mr. Lecky, in the two references I have given to your Lordships in volume 4 and volume 6, had stated distinctly that such removal of disability had sprung from the mitigation of English members of Parliament, members of the English

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Parliament in 1778, and that the legislation of 1793, when under Lord Fitzwilliam's lieutenancy the electoral franchise was granted to Roman Catholics in Ireland, sprang from the recommendation of the English minister, from Mr. Dundas, and not from popular opinion in Ireland.

My Lord, again I say that my learned friend, in dealing with the effect of religious inequality and discontent, was led away by the too great effect he was giving to the work of Sir George Cornwall Lewis. At the time that Sir George Cornwall Lewis wrote, a grievance undoubtedly existed—existed certainly in the minds of every Irish Roman Catholic, and prominently in the minds of every occupier of land who was a Roman Catholic. At that time, although Catholic emancipation, from the disability of entering Parliament, had been removed by the legislation of 1829, still as a heavy impost alike upon men's positions and upon men's freedom and equality, there existed the Irish Church. But the force of its weight alike, as I say, upon men's material interests, and upon their feelings and desire for equality, sprang prominently and particularly from the exaction of tithes under that Church. It was with that system, in the year 1836, that Sir George Cornwall Lewis was dealing. It was the evils of that system, productive of secret societies, and productive of discontent, that Sir George Cornwall Lewis was combating. It was not till 1838, two years after Sir George Cornwall Lewis published his book, that the tithe was commuted into a rentcharge upon the land; and then, my Lord, we have again the authority of Mr. Lecky as to the effect of that removal. His views are expressed at volume 6, page 411:—

“The collection of tithes, or the method rather than the amount, was
 “ ‘detested both by the Catholics and Protestant Dissenters, and exceedingly
 “ ‘unpopular among the smaller landed gentry.’ * * * ‘Its inequalities
 “ ‘and injustices were too glaring for any plausible defence, and the language of
 “ ‘Pitt seems to show that England would have placed no obstacle in the way of
 “ ‘redress.’ * * * ‘The Irish Church, when it was supported by tithes,
 “ ‘was the most unpopular ecclesiastical establishment in Europe, and it kept the
 “ ‘country in a condition verging on civil war. After the commutation of tithes
 “ ‘nearly all active hostility to it disappeared. The Church question speedily
 “ ‘became indifferent to the great mass of the people: the Protestant clergy
 “ ‘were a beneficent and usually a popular element in Irish society, and the
 “ ‘measure which finally disendowed them was much more due to the exigencies
 “ ‘of English party politics than to any genuine pressure of Irish opinion.’”

My Lord, with the removal of tithes, the principal burthen at least which fell on the Roman Catholic tenant, the occupier of land, passed away. The sentiment on the subject remained, but with the disestablishment of the Irish Church in 1869, the grievance was entirely removed. And so it comes that as I think I have shown, in respect first to commercial inequality or injustice, and secondly to religious disability or to undue religious restraint or burthen, there had been an entire sweeping away of all cause of complaint; and yet it was for a fair portion of time that my learned friend dwelt upon these two grievances as the source to which he endeavoured to trace and to which he promised to trace the causes of discontent and crime; whilst, my Lord, upon investigation it seems that what my friend was doing was to present a tale to you, a tale artistically arranged and eloquently expressed, and yet as Mr. Lecky has lately said, it was a tale of the dead, a tale of the deeds of generations that had passed away with the mouldering of the dust.

My Lord, I hope I have swept away these two causes, or things likely to be causes of that class of discontent which would lead to crime. I know not, my Lord, if there were any political causes likely to produce discontent. There may have been at the time with which we have to deal some political grievances, fair questions for Parliamentary discussion. I can understand the politician pointing perhaps to a smaller electoral roll in Irish counties or boroughs than in England. That resulted from the character of those who held the land; not from the effect of legislation. There was too perhaps a more substantial grievance in the inequality of the municipal franchise. It did produce no doubt a much smaller municipal constituency in the boroughs of Ireland. But, my Lord, one has to ask how far would such federations affect the minds of the great mass of the Irish people, represented, as we shall see, for the most part by

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a rural and agricultural population. I do not know that the small Irish landowner, as he lived by day and by night within his wretched home, would be affected much by the fact that there were fewer electors in an Irish county than in a corresponding English county. I do not know whether it would bring a discontent to his mind that would send him out on the hillside by night if he were told that there were fewer municipal electors in Waterford and in Belfast than there were in Southampton or in Nottingham. My Lord, those were not the causes that would move men to the risk proceeding from the commission of crime. It would not move them to a discontent with their daily lot. Those who thought and those who acted had to place, as they did place, on one side, all subjects of discontent represented by political considerations. But, my Lords, it is true that the third cause of discontent to which my learned friend referred remained, the relative positions of landlord and tenant, producing a condition amongst many men, which is said (and to some extent I am not about to controvert the saying) to have produced a wretched condition of the Irish tenant, and especially of the small holder. That was existent, and had to be dealt with. I should describe that subject and that cause as being of a social rather than of a political character. It affected the great bulk of the population of Ireland. It was no matter of sentiment. It was nothing connected with the past. It affected every man as he went forth, or entered into his house. It was brought literally home to him in a form that would cause him to be moved, and deeply moved, by any suggestion for the amelioration of his condition.

My Lord, I am not about to defend in its entirety the system that existed, that system which regulated the relative position of landlord and tenant. Something at least had been done in the year 1870 to benefit the tenant and to place him in a better relative position than he had occupied towards his landlord. My Lord, I have accepted that which has fallen from you. I am not about, in detail, to discuss this system. But it is necessary in relation to matter I have to refer to, directly bearing upon these issues, to remind your Lordship that the legislation of 1870, the Land Act of that year, had materially benefited the tenant. Except for non-payment of rent he could not be arbitrarily ejected or evicted without compensation paid to him, and although subsequent legislation has admitted that that was not a full measure of redress of the grievance of the tenant, yet it did much to ameliorate the condition that he had previously occupied. I do not defend the system that had existed before 1881 in its entirety, because Parliament, the Parliament of Great Britain and Ireland, the Parliament in its full measure, has admitted by the legislation of that year that there were grievances that required to be redressed, and assuming, as we do assume, that Parliament has acted within its wisdom in passing the measure of 1881, there is an admission of the highest record, an admission upon the Statute Book of this country that there were grievances which required to be redressed.

My Lord, it is part of the argument I am endeavouring to submit to you, that there were practical grievances, which, at least from the point of view of the Irish tenant, had settled deeply in his spirit and in his mind, and it was from that fountain that those who were seeking to produce unsettlement in Ireland knew they could procure the most copious measure of assistance in their work. But whilst I say I am not about to defend the system, or to defend individual landlords, it is I think, my Lord, due to those who have been attacked, both under the auspices of the Land League practically attacked; those who were sought to be banished from Ireland; those too who have been attacked here, it is but due to them to say that they have received a full measure of condemnation, and of late at least there has seldom been I think justice meted out to them.

My Lord, it would be almost historical if I remind you that in the report of the Bessborough Commission there are words of commendation of the Irish landlords as a class. I do not know whether I can refer to it except as matter of history, but I know this: that the statesman who introduced the Land Bill of 1881 did not base the necessity of that measure upon the ill deeds of the landlords, but offered them an acquittal from conduct that deserved condemnation.

My Lord, perhaps you will let me read to you the words again of Mr. Lecky where he says (vol. 4, page 315):—

“It is essential indeed in considering the economical condition of Ireland
“in the last century to bear steadily in mind the distinction between the land-
“owner and the middleman, and to remember that the latter, with whom alone

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“ the cottier came in much contact was constantly spoken of as the landlord
 “ * * * * * I do not think that the charge of exacting exorbitant
 “ or oppressive rents can be sustained against the Irish landowners of the 18th
 “ century considered as a class.”

“ The faults of Irish landowners have indeed at most periods of Irish history
 “ been much more faults of negligence than of oppression.” * * * * *

“ Leases sometimes forever, more often for lives extending over 40, 50, 60, or
 “ even 70 years were general.”

Arthur Young (your Lordship will recollect that he was one of those of whom Sir Charles Russell spoke with praise) who describes this system, significantly observes that—

“ If long leases at low rent and profit incomes given, would have improved it,
 “ Ireland had long ago been a garden.”

Then he proceeds to say that when long leases fell in, those who obtained possession of the interest pressed heavily upon the tenant.

My Lords, I read from Lecky in disjointed sentences, not in consecutive sentences; but on pp. 315 and 317 are his views as to the faults that rested upon the Irish landlords. But as I say, if, as I think, a word of praise and a word of defence is due to them and many of them, it is not controverted by me, and it is not wished to be controverted by those who act with me that there was at the time we have to deal with a feeling in the mind of the Irish tenant that he had a grievance, which I term a social grievance, and to that any agitator could appeal and appeal with confidence as a moving power in the action of the Irish tenant.

My Lords, I think, therefore, again in respect to this question of landlord and tenant the past has been made by my learned friend in undue degree to apply to the present. He has taken partly from Sir George Cornwall Lewis; he has taken partly from Lecky when dealing with past times; he has taken from an authority which I cannot trace too, arguments which, submitted to your Lordships, amount to the statement that at the time when we enter upon this inquiry the condition of the Irish tenant was one that of its own motion, of its own action, naturally produced, inherently produced, the discontent and therefore the crime, the source of which we are now seeking to arrive at.

My Lords, I say so, because in his speech at page 3,660 my learned friend Sir Charles Russell says:—

“ The result has been that the Irish tenant has been, broadly speaking (I am
 “ now, of course, merely speaking of the smaller class of farmers who most need
 “ protection) reduced in his surroundings of house, of clothing, of food, to a
 “ sordid condition, to a condition described, and truly described as the worst
 “ clad, worst fed, and worst housed population on the face of the civilised
 “ globe.”

Well, my Lord, I will read another portion of his speech. I think by a misprint, my friend repeats those words, referring them to Lord Palmerston. I am speaking entirely from memory; I have not devoted time to vouch my recollection; but I think those were the words of Lord Chesterfield, who, therefore, must have spoken them a hundred years ago, and as to the recent authority of Waite, I do not know that there is a misprint of any kind there, but the industry of one of my friends has discovered that in the year 1763 Mr. Waite was assistant secretary to the Lord Lieutenant of Ireland, and, scarcely supposing my friend meant to quote that official as a recent authority, you must take the description, which, as I say, my memory suggests to me was given on the authority of Lord Chesterfield, as applying to a period of 100 years and more ago.

My Lord, it is part of my case (and the proposition of my friend I do not differ from; I agree with it), that the condition of the Irish peasant or small tenant was not such as would bring content and satisfaction to his mind. Still, I protest against the view that was presented to you, viz., that the condition of things which had existed in Ireland in time gone by—a condition of things to be regretted and to be reprehended—existed in its intensity down to the present time, so as to be a self-acting cause of

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crime. I think, if I may say so respectfully of my friend's argument, the fault he has made has been in dealing too much in historical research. He confused the past with the present; and whilst he had many quotations to give to your Lordship from Lecky and from others as to the condition of Ireland in past times, may I ask your Lordships to consider how much of those hours that my friend so usefully (and I mean it unaffectedly) occupied when addressing your Lordships was occupied with dealing with the important period of Irish history, the period that existed between the year 1846 and the year 1879? My Lord, I have perused more than once my friend's argument, and as far as I can discover that period is a blank. With the exception of dealing with Deasy's Act in 1860, and the Land Act of 1870, history has no charm for my learned friend when dealing with a period subsequent to 1846.

My Lord, the real truth is that history to be of any service to your Lordships in this case must not be confined merely to the echoes of the past. It must deal with the facts and the incidents of a time that shall not be too remote, but shall be sufficiently approximate to produce effect, and to be the source of the results into which inquiry has to be made. I am not about to deal at length with the mere crisis—with the grievous affliction that fell upon Ireland—I mean the famine of 1846 and 1847, the intensity of which has now become matter of history. Death, absolute starvation, of strong men as well as women and children, was a thing daily and hourly to be told. It was a crisis such as probably in European countries has never been exceeded, but for good or for evil it was a crisis, and a new order of things sprang up in Ireland. In that work my friend has referred to Dr. Grimshaw's report, page 323, this matter is referred to. I quote this book with confidence, because my learned friend in his speech at page 3,674 accepts Dr. Grimshaw as a reliable authority, as an authority that your Lordship may pay full heed to, and at page 323 Dr. Grimshaw says:—

“The broad fact appears to me to be that the Irish crisis of 1846–47 caused
“a complete social revolution in this country—so complete that every important
“existing institution may be considered to have had a new birth or development
“after that great crisis.”

My Lord, I am sure there is good reason for my friend's line of argument, and I believe that that fact will commend itself to your Lordship's judgment, not only upon that authority, but upon general knowledge. It seems strange, I say, that my friend's argument as to the state of Ireland should be founded again within the area of Sir G. Cornwall Lewis's work upon a state of things pre-existent to the great crisis that is there referred to, and that none of the period of time at my learned friend's disposal is given to deal with the social condition of Ireland after the crisis of 1846 and 1847. It may be said that such a crisis may have produced either improvement, or it may have produced a falling back in the condition of the Irish people. It is a happy thought for those who are interested in the welfare of Ireland and of its people, that the effect of that crisis was one essentially of good, essentially of improvement. My Lord, in the first place, again referring to Dr. Grimshaw, at page 361, he says—

“Possibly we might have advanced faster than we have done; but when we
“consider the mighty collapse that took place at the commencement of the past
“half century, which began in the days of the great famine of 1846, '47, and
“'48, it may be that Ireland has advanced more rapidly and recovered from the
“condition of almost total wreck, more completely than any other country would
“have done, or ever has done.”

My Lord, that is the authority of Dr. Grimshaw, but the progress that Ireland has made rests not only on the mere opinion of a writer. It will rest upon the natural proof resulting if we take the trouble to trace the causes of the distress of 1846 and 1847, and then see how they may have been removed. And happily it can be established by the material proof, the proof of actual and material advance that has been made in the different conditions of the Irish peasantry. If we trace the cause of the great suffering in Ireland that existed prior to 1846, and certainly was developed by the bad harvests of 1846, 1847, and 1848, we shall learn something of what would be likely to produce the discontent, the source of which we are now in search of. My Lords the two great causes of the sufferings of the Irish tenant holder, and as my learned friend dealt

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with that class as he said generally, referring to the small tenant holder, I am employing the term in the same sense, the two great causes producing that sad condition of the Irish peasant in 1846 and 1847 were to be found in over-population, and in the economic condition, partly the natural, I should say, and partly the economic condition of the soil. We have it upon high authority upon this subject, the authority of Malthus, that during the eighteenth century the population of Ireland increased with greater speed, and at a higher rate of increase, than any known increase of population in Europe; such increase resulting from early marriage, and at that time the great absence of emigration, of course, produced a population, and a population demanded some means of sustenance, and demanded of course the existence of a home. We know that certainly during the period of the 18th century, and the early part of the 19th century, whilst, for the reasons I have just mentioned, there was a great demand for increased basis of sustenance, and on account of the growth of population, there was, if I may use the term, a greater home demand, this demand for covering or for homes, and while the demand became greater, for a time at least, and up to a certain time, the supply to meet the demand instead of increasing had been diminishing. My Lord, speaking very generally, we know that in 1841 the population of Ireland was upwards of eight millions. I think 8,145,000 represented the population of Ireland in 1841. The commerce of Ireland, the industries of Ireland had fallen away, and the increase of population found no relief in that which affords relief in many countries, namely, the centralisation of an increasing population in certain districts where industries abound. Emigration up to a certain time, a comparatively recent time, did nothing to meet this ever increasing demand. And so it was that this population so growing, had to find the increased necessity of support in one direction only, and that was still the land.

Well, my Lord, now looking back, we can see how sad had been the course that had been taken by legislation, supposed to be beneficial legislation, and yet, as it must have been in relation to Ireland, producing sad results. Nature had made Ireland, with its damp climate, a country ill adapted for the production of any serial crop. It was a country where, in certain portions of it, the warm and damp climate produced a pasture land of exceeding richness, and if a false inducement had not combatted, as it were, with the directions in which nature would have led man, Ireland would have remained as it had been in earlier times, a land where little corn was grown, and where pasture afforded the richest food for cattle. But in the year 1784 (I think it was) legislation stepped in, and that which was known as Mr. Forster's Corn Law granted large bounties upon the exportation of corn. It imposed heavy duties upon importation into Ireland. Of course, this was at a time when the Irish Parliament had the power of dealing with its internal affairs. That legislation, coupled with the fact that war prices existed in Ireland, the fitting use of the land being pasture, caused that land to be broken up, and caused the land to be devoted to the growing of corn, and a serial crop to which it was never suited. Well, my Lord, for a time, of course, on these small holdings where corn was grown, each man may have found a home. Each man may have found to result from that crop a great gain to himself; but times which some will think happier times came into existence. The war closed in 1815. The high prices fell away. This land could not grow any corn that could be dealt with with as a commodity at any profit, and so under the new condition of things which existed when this artificial system had failed to have any effect, when the bounty system was repealed, when prices fell away, the result came to be that the corn land, unproductive, did not give support to man, and there was a tendency of course to return to the larger pasture holdings, when men would be swept away from the possession of the small holdings they had previously held. My Lord, those were the events which led up to the crisis of 1846, and when there came the falling off in the harvest, especially in the potato crop, in 1845, 1846, and 1847, it found Ireland sadly over populated, over-populated in relation to the resources at its command for the purpose of its support. There is no human being who can do other than deplore all the suffering that took place, and all those causes which produced a falling off of population, a population that if not decimated, was diminished by death and starvation; a population that has been diminished to an unnatural extent by emigration; I mean not an unnatural extent in the condition of Ireland but I mean in relation to the wishes and the wills of men who emigrated. Whilst those causes reduced the population of Ireland by three millions between 1841

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and 1881, yet as that population diminished so there became a greater amount of support for the men who remained, and the insufficiency, be it of food, be it even of the very home to cover men, was year by year steadily diminishing, and so the cause of suffering and discontent grew less. My Lord, it is not immaterial to look in relation to this fact to the figures that we obtain from Dr. Grimshaw to show how great had been the improvement in the condition of the Irish tenant with whose conduct we are about to deal.

My Lords, in the year 1841 as I told you the population was 8,175,124. In 1881, which is an approximate census to the time and period and inclusive of the period with which we have to deal, the population had fallen to 5,174,836, or a sad falling off of three million in the population of Ireland in those 40 years—three-eighths of the population gone. Dr. Grimshaw gives the figures dealing with the rural population, a distinction which of course sets out the inhabitants of such cities as Dublin, Belfast, and Cork. He points out in the year 1841 there were 13,464,000 acres of arable and pasture land to meet the demand of a population of 8,175,000. The intervening years are all told by the second table of Dr. Grimshaw, but I will only read the result. Whilst as I have said the population was 8,175,000, and 13,464,000 acres afforded them accommodation, in the year 1881 there were 15,271,000 acres under cultivation to meet the population that had diminished from 8,175,000 to 5,175,000, and so the result is that whilst in 1841 there had been for each individual one and eight-tenths acres, in the year 1881 there were 3·5 or three and a half acres for each individual. It had been a progressive increase, an increase, therefore, which must produce a greater amount of content, not discontent, in the Irish tenant. They do decrease during the decades I have referred to from 1841 to 1881 first 1·8, then 2·5, three acres in 1861; 3·4 acres in 1871, and the figure I have given you for 1881, 3·5 acres. Happily that relative proportion is still upon the increase. In the year 1887 it amounted to 3·8 acres.

I mention (and I hope I shall have your Lordships' sanction for mentioning) that the progress and improvement in the Irish tenant was a progress and improvement that was brought home to him. It did not mean merely the wealth of a few, and the riches of a country being held in the hands of a privileged class. My Lords, we have in Dr. Grimshaw's report, if you will allow me to refer you to Dr. Grimshaw at page 332, an account of the manner in which the Irish peasant was housed. We have a vivid description placed before us of the manner in which these Irish tenants lived, and your Lordships will find probably an increase of improvement and advance telling as happy a tale as was ever found in a statistical report. My Lord, in the year 1841, Dr. Grimshaw tells us there was a total of 1,328,839 inhabited houses. Of these only 40,080 were what would be termed first class houses. Out of the 1,328,839 you have only 40,080 first class houses. You have then 264,184 second class, 533,297 third, and 491,278 of the fourth; and so, my Lord, out of the 1,328,839 there were more than a million represented by the wretched hovels of the third and the fourth class. There were half a million of the fourth-class houses. Your Lordships will understand what they were. At page 332 Dr. Grimshaw says, "The fourth class includes all single-room houses, constituted of mud or perishable material; the third a better class, with from two to four rooms and windows"; then, my Lord, we come to the second, "a good farmhouse in the country or a small town house." We see now what was represented in 1841. I will not occupy your time by reading the progress that was made. It appears in the table at page 332 of the intervening tables. But, my Lord, I say that it is a happy comparison, what existed in Ireland in 1841 and what existed in Ireland in 1881. The first class houses had increased from 40,080 to 66,727, no very great increase. The second class houses, that is a good farmhouse as described by Dr. Grimshaw, had increased from 264,184 to 422,241, and then, my Lord, we come to the bad class of houses, the third and the fourth. The third class houses had decreased from 533,297 to 384,475. The fourth class houses, that class that must have represented a blot upon the social system of any country, had decreased from 491,278 to 40,665 only. Amongst the said facts mentioned by my learned friend in connexion with Irish history, and perhaps still more amongst the sad facts eloquently told to you by Mr. Michael Davitt, no reference has been made to such progress that Ireland had been making in relation to its sorest and direst disease. Who, my Lord, if they read that half the people of the country or nearly so lived with a whole family in a single room, with mud forming the houses, such fuel as was burnt finding no outlet for its smoke, would need to be told that such

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a country must have a cloud of misery hanging over it. And such was the country that my learned friend as I say, dealing with a time which was long gone by has been telling your Lordships of. Yet whilst the light, happily has cast away much of this cloud, and the progress that has been made, now stands forth as a bright record, for some reason or other, both the skilled advocate and the eloquent supporter of his country's rights have been willing not to mention to your Lordship the happy progress that Ireland has so fortunately been making.

My Lord, this is not political. This bears directly upon the issue that is before your Lordship. I ask you to recollect that my learned friend Sir Charles Russell's case put forward on behalf of Mr. Parnell is that when the action we are inquiring into took place Ireland was in such a condition that a natural upheaving of men to throw off the misery of their condition took place, and no agitator's art was required to foster a plant of natural growth. Is it not material to know that whilst you may bring up the musty records of secret societies as told by Sir George Cornwall Lewis, referring to a time gone by, when there was a state, no doubt, of wretched misery and degradation existing in Ireland, that happily humanity has done much, the progress of nations and of civilisation has been at work; we have in the Irish people if not a condition you would desire, at least a condition that has been altered and changed in every respect for the better. And, my Lord, it was in relation to a nation and a people so changing, so benefited by progress, that the old rules of conduct are sought to be applied. It is (as my friend says on the received authority of 100 years ago) with the country worst clad, worst fed of any upon the face of the earth that my learned friend seeks to deal. He is dealing with a country that existed before the crisis of 1846, whilst I feel I am entitled to say that it would be more acceptable to your Lordship if I deal with it at a period subsequent to that time. That, I respectfully submit to you, is the Ireland which comes within the area of the investigation being carried on in this Court.

My Lord, I know not whether you will think it has sufficient bearing upon the subject when we are considering the progress that this country has been making, to consider not only the improved material position of its peasantry, not only that it should be shown to you that they were approaching a condition, if not having reached it, of greater equality with the peasants of England. But I say I know not whether you will think it of equal importance to consider what progress they had made in matters that would aid them in bringing independent judgment to bear upon all that was submitted to them. My Lord, I will only occupy your time for one minute or two in pointing out to you that the Ireland that had to be dealt with in 1879 was not an Ireland formed of ignorant and uninformed men. Proof has been given in this Court enough of the quick inherent intelligence of the Irish peasant. I think no one who has been in any way assisting in these proceedings but has formed a judgment, if it be a judgment, of comparison between men in equivalent classes in England and Ireland favourable to the intelligence of the peasant class of Ireland who have given testimony before your Lordships.

It was true that in earlier times, education had not made great way in Ireland. Poverty perhaps had not allowed many of them to obtain education for themselves, and I hope I shall not hurt anyone's feelings if I say that I am under the impression that the Roman Catholic Church has never made it its peculiar duty to bring education to the masses of the people whom it taught. Still, at any rate, the result was that in the year 1841 (I again am quoting from Dr. Grimshaw) out of the population of Ireland of 8,175,000 only 1,966,000 could read and write. Then, my Lord, there was a class that could read. The result was that 53 per cent. could neither read nor write. Progress has been made in the direction of education, and so in 1881 instead of there being 53 per cent. that could neither read nor write that per-centage had been reduced to 25 per cent. The figures are given in that table in full detail, the different details from 1841 to 1881 of who could neither read nor write, and who could read only, and the per-centages are worked out in relation to the population. But in the same way that there had been advance in the material prosperity of the people, so my Lord there had been an advance in that education which would enable them to acquire knowledge. There had been, as, of course, everyone knows in those 40 years, an immense advance in the dissemination of writings and newspapers (whether they were for good or for evil) were scattered throughout the land in greater proportion than they had been. And, my Lord, we can

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understand that this progress applied to the quick intelligence of the Irish peasant would make him a ready listener to anything that would affect his senses, anything certainly that would lead him to believe that advantage and improvement could be brought home to him. And so it was my Lord with an Ireland growing in prosperity. With a people growing in knowledge and in intelligence, we now approach that time which is the material time for consideration; we approach the period, undefined in some respects, but which I am going to deal with for the purposes of this enquiry as initiated in the year 1877, and I for one moment ask your Lordship to cast a retrospect and apply it to that particular time.

I am now departing from retrospect of an historical character. I am now calling into being a man desirous of affecting great results in Ireland. I will take no abstract or hypothetical view of the position. And affecting a more concrete position I will suppose that a man was desirous of effecting the separation of Ireland from Great Britain, and that in order to do so he was resolving in his own mind what agencies could be brought into existence, how their work could be carried into effect and towards whom those agencies ought to be applied. I hope the very short review I have made of historical matters will establish the fact that the man so thinking and so resolving would know that political grievance no longer existed. He would know it would be useless to tell any occupier of land in Ireland that he was wanting in opportunity of making the most of his product by commercial inequality or by commercial restriction. It would be useless even for the Roman Catholic priest to have told any of his flock that they suffered from religious disability, from a grievance of inequality in respect to laws effecting their religion, and so, my Lord, be the man whoever he might, any agitator would have known that the only point which he could urge and successfully urge to the attention of the Irish tenant, would be that position he occupied towards his landlord, and the only benefit by which he could lure him into action could be a benefit derived from an alteration of these relative positions.

My Lords, I turn from events before the year 1877, and now I come to the action of a man who has played the most prominent part in Ireland's history during the last 10 years.

My Lords, at the time of which I am now speaking, in the year 1877, there was a man occupying a cell in Dartmoor prison. He had occupied it for a long period, for some seven years, and during that time his mind had dwelt—this is no tale of mine—his mind had dwelt upon those wrongs as he deemed them, the wrongs of Ireland, and those thoughts of his had been occupied during those dark dreary hours of imprisonment in endeavouring to resolve on the best method of relieving those wrongs.

My Lords, to that man the Ireland he was dealing with must have been the Ireland of 1870. I presume that his imprisonment was of such a character that he had been shut out from all knowledge of the world; he would have known nothing of the legislation, for instance of 1870, and he would have seen nothing of the influence of the disestablishing of the Irish Church in 1869; he was brooding after the fashion of my learned friend, Sir Charles Russell's speech, upon the wrongs of Ireland of a time that was past. And this will become a material fact, when his mind was employed upon the designing of the means and methods of altering the position of Ireland. He knew nothing of the conditions of the class he was about to appeal to, had they flourished or failed, had the harvests been beneficent or deficient. All such considerations must have been a blank to him; he had to deal with the Ireland he had known, he had to deal with the grievances he had known, and he was finding a remedy for the state of things with which he had been acquainted.

My Lords, I need not tell you the man of whom I am speaking is the Irishman who has been addressing your Lordships with such great eloquence and ability for so many days. I would not for one moment take upon myself the task of dissecting another man's character, still less would I endeavour to surmise causes and reasons for his actions. I prefer dealing with facts. But my Lords, Mr. Michael Davitt, according to my learned friend, Sir Charles Russell, is the father of the Land League, and as we proceed, step by step, I will show to your Lordships that all that has been carried out has been designed by Mr. Davitt. The first initial thought and conception was his, the original action that brought men together with a common object was all his, and for a time the government of the Land League was in his hands. It is, therefore, material and most material when we have to deal with the acts

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of this body in combination, when we have to deal with its actions as moved and controlled by certain men, to inquire and to ask who these men are. In answering that question, if one answers it rightly, one establishes the motives and objects of a man in acting in the manner in which action has occurred. Whilst saying that I would abstain from dissecting any man's character, and likelihood of action resulting from that character, it is impossible, and it would be false delicacy in dealing with a figure so prominent in these events as Michael Davitt, if one did not ask from what spring of action did the organisation controlled by Michael Davitt proceed.

My Lords, for nearly, for more in fact, than twelve months, so far as it is occupied by legal events, some of us have sat in close contact with Michael Davitt. Your Lordships have probably observed the quickness with which he has appreciated the ruling of your Lordships upon certain matters. I may say there is not one amongst us, not amongst any of my learned friends who will not feel that the courtesy and bearing he has displayed towards us, the assistance he has often rendered us, and also his great knowledge of this case will have given us some insight into that strange quickness, that intelligence, that instructive power which must have made him a paramount figure when dealing with the Irish peasantry, and must have caused him to have been almost an irresistible agent when contending with men of a different degree of intelligence from that instinct.

I can only say that I think there are personally few who have been in contact with Michael Davitt who would not feel it repugnant to their taste to criticise the action that he was controlling, and to trace to him any conduct that would impute bad motives, or to erring judgment; but, my Lords, the facts of this case stand before you, the circumstances of Mr. Davitt's conduct must be judged by you.

We know now, I am dealing with simple patent facts, and we have nothing to alter, and certainly in relation to Mr. Davitt we have nothing in hostility to him to exaggerate.

Mr. Davitt's story, as he has told it himself in the witness box, and in many passages in the eloquent speech which he has addressed to you, we know so far as it was a life engaged in public affairs that he was a member of the Fenian conspiracy.

Mr. Davitt, from his point of view, addressed you lengthily in advocacy of that position. He told you of the wrongs that he thought needed redress, and then asked you whether there was not, at least he appealed to you as a tribunal legally sitting, to say whether there was not some excuse for his position as a Fenian. I will take that combination as it exists, and as we—I say we—I mean the loyal subjects of the Queen, alone can deal with it. It was a treasonable combination, a combination made against the Government control in Great Britain and Ireland; it was a combination made against the authority of the Queen, and against the authority of the law in this country, and whether men may find a vast difference between the crime of such a conspiracy and the ordinary crime of human nature, I of course am not for one moment discussing, but I can find no justification for a man belonging to a treasonable combination, a conspiracy to upset the authority of the Crown.

My Lords, I suppose it may be said that your justification for treason is when it is successful. This combination was not justified by the sympathy of the Irish people. It was a wretched development, a fiasco and nothing more in 1867. It may be retorted upon those who have sympathy with the uprising of those people such as it was in 1868, that you have no right to engage in treason or treason-felony as a remedy, but when you find there is a people rising up against a government it is a usurpation of the right of combination for murder. They ask when that power is successful, who are there left to condemn. This Fenian conspiracy, which Mr. Davitt justifies as being according to his view the combination of a people to redress its wrong, as we shall see from the results of its numbers, was told off in its miserable hundreds and thousands and frizzled out of existence in some wretched attempt at outbreak in the year 1867. Well, Mr. Davitt has invited opinion upon his action and upon his conduct in reference to that, and both in evidence and in speech has alluded to it as a proof of his own character, to the letter so often referred to which I think we have called the pen letter to Ferguson, the letter that was written to a young man, I think in the year 1869, and which was found upon him when arrested, this man Ferguson—

(*The Attorney-General.*) Forester.

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(*Sir H. James.*) A letter written by Mr. Davitt, my Lords; that letter is set out a page 5623. As far as I am concerned I would have wished to pass it by. I prefer judging Mr. Davitt as he is, and as he has appeared before you, than referring to a time that has gone past, and I feel that in reading that letter there would be a disposition in your Lordships—at least I would respectfully commend it to you to accept Mr. Davitt's explanation so far as it can be accepted.

But, my Lords, this letter is material when we come as we shall have to deal with the action of the body within which Mr. Davitt was acting. This letter discloses and reveals the manner of action of this body belonging to which Mr. Davitt justifies. At this time this letter was written—whether the body was called the Irish Republican Brotherhood or the Fenian body it is immaterial, it was the same body. Mr. Davitt then writes this letter:—

“ I have just returned from Dundee, which place I have left all right. Your letter of Monday I have just read. I have no doubt but what the account is correct. In reference to the other affair, I hope you won't take any part in it whatever—I mean in the carrying of it out. If it is decided upon, and you receive Jem's, and through him Fitz's, consent, let it be done by all means; but one thing you must remember, and that is, that you are of too much importance to our family to be spared even at the risk of allowing a rotten sheep to exist among the flock. You must know that if anything happened to you the toil and trouble of the last six months will have been almost in vain.”

I stop in reading that letter for a moment. Your Lordships are aware that explanation has been given. He gave his explanation, I think, fairly translated. That he was writing to a young man whom he learned was improperly about to take part in the assassination of another; that in order to prevent him taking part in that that he made it a condition precedent that he should have the consent of two persons mentioned here in their Christian names, and that then Mr. Davitt intended writing to those two persons asking them to withhold their consent.

My Lord, I am not going to cavil at Mr. Davitt's explanation. One would be happy if you could come to a conclusion that that explanation was a correct one. I leave that to your Lordships, but this forms the material part of that letter. Mr. Davitt was contemplating, according to his own account, that action should not take place; but if it should take place, it contemplated that if this young man did not commit this assassination, someone should—and whoever is employed “don't let him use the pen”—that is admitted to be a revolver—“don't let him use the revolver we have been selling, get another for the purpose—a common one.”

Your Lordship will recollect the charge of treason-felony against Mr. Davitt was that he was dealing with a man named Wilson in these arms for importation into Ireland, and so it turns out. Accept it, if your Lordship will: let it be so. I am glad to take in relief of Mr. Davitt the explanation that he tried to prevent this young man if he would take his advice. Yet the advice goes if this murder has to be done,—if anyone has to do it, do not do it with a weapon that will cause detection, but commit the crime; if anybody has been selling the weapons, commit that murder with another weapon, so that the detection of the criminal may be hindered. When we come to consider whether the Fenian body were an assassinating society, this letter is very material, and this is why I refer to it here in contemplation of a man whose own conception we know is that he is a man of humanity. In contemplation of a contingency, he advocates the criminal, whoever he may be, taking a course that shall avoid detection, but not avoid the crime; and I will show you that that is his primary care. Let this be said, and I would say it to the full extent, Mr. Davitt, when he wrote that letter was a young man of 20 years of age, and had scarcely reached manhood, and whatever is to be said in respect to the writing of that letter I think ought to be accompanied with the qualification that we have no reason to believe that it represents Mr. Davitt in the full power of manhood, but in a time of his youth; still it represents him active within the political organisation and active according to the rules and methods of that organisation.

My Lords, as I say this was active within the body according to the method and order which composed the Fenian organisation, and I am going to deal with that afterwards. My friend reminds me of the tone of the letter, in another regard which I will allude to presently when I have to deal with the intentions and the conduct of the

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Fenian body. If your Lordship will allow me to refer to that letter again I was dealing with Mr. Davitt for the moment when Mr. Davitt was in prison in the year 1870. I have no reason to doubt the perfect accuracy of the statement of Mr. Davitt's sufferings in his early life. No one will be ashamed to confess that such a tale as told by Mr. Davitt now exacts the sympathy of all right-thinking men. I daresay all that he has said about the eviction of those who were dear to him is true. But, my Lord, this letter, and it is for that reason that I particularly refer to it, shows whatever his early life has been, as soon as he had reached manhood he engaged in treasonable conspiracy and he had engaged in those practices pointed at in that letter.

My Lords, so it was that with these thoughts in his mind he went into the life which he led for seven years in Dartmoor Prison. And what did those seven years produce in him? He dwelt upon these wrongs which he and those who belonged to him had sustained. As he used to dwell upon these wrongs—I hope that they were fancied wrongs—from which he thought his country suffered, and during these seven years of darkness, with life shut out from him, he had none of the distractions that life of business or occupation would have brought him. He had none of the softening influences of a home life to cause him to think with lessened anger either of his own individual wrongs, or the grievances of his country. My Lords, this is a tale that he himself tells that it solaced his mind during the seven years of imprisonment so to think over the past means of redressing these grievances of which he spoke, and that he had thought over and over again how he could arrive at a certain end.

My Lords, I ask your attention to two aspects of the propositions that have been placed before you. My learned friend, Sir Charles Russell, says that the formation of the Land League in 1879, the action of the Land League and the action of the Irish peasants after the formation of that League, were all the outcome, the natural outcome of the condition of those peasants, and that it grew even as unplanted and even untended seed will grow merely by the throwing of the seed upon the earth, and then will come forth the discontent and crime that naturally fall from it. My Lords, you will recollect too that that view, presented with great force by my friend, was the view that Archbishop Walsh, speaking on behalf of the Irish clergy, took when he said they had a Tenants' Defence Association springing up in consequence of the distress of 1879. That was a beneficent society which could receive the blessing and was a welcome aid of the Irish clergy, that being the view, and that being the aspect presented of the benefits from one side, what is the source from which all these benefits have come? They have come, as I will trace the action of these circumstances, step by step—they have come from the design and thought of Michael Davitt as he lay in that cell in the year 1879 and the preceding years. The current cannot run backwards—you cannot make the distress of 1879 affect the design of Michael Davitt in 1877—the design was complete, it was resolved upon: and strange as it may appear that humble peasant mind so lying as a prisoner in Dartmoor, could move a people into action and could produce political events which will disclose the resolution of Michael Davitt over the circumstances we are inquiring into. To him we must look as the fountain and origin of all this action, be it for good or be it for evil. If this be so one has to ask now what was the design that Michael Davitt determined upon? What was the course of action that to his mind came as being the likely action to produce the results that he sought to attain? ask that question, and there comes this one question to be answered, what did Michael Davitt seek? I have nothing to say now in criticism of Mr. Michael Davitt, when he says boldly to your Lordship's, as he has always said from first to last, that he has not had in view any assistance to the Irish tenant, except as a means to an end.

He has had an object which to him was broad, and a great object in view; he has sought the separation of Ireland from Great Britain. My Lords, Mr. Michael Davitt would be ashamed to say that he had any other object in final view. What were the steps that would lead to the goal, of course my Lord, will present different considerations, but the goal to be reached, the final result of all the labour was according to Mr. Davitt's often expressed views, I will show was the independence for which the Fenians had fought, or would have fought by open force, and which Mr. Davitt was endeavouring to reach and attain by what has been termed in this inquiry constitutional means.

Now, my Lords, I am still asking you to deal, and let us fashion to ourselves in thought, what Mr. Michael Davitt's thoughts must have been. We need not speculate on the matter because he has told us what they were; but we can also speculate in

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order to detail what he must have resolved upon. Mr. Davitt must have known that his object being a political one, and not a social one, one of assistance to a suffering class, he must have known that being a political object he must conduct any agitation that was entered upon in support of that object by political means.

If my Lord, he had dealt with the redress of grievances, if he had dealt with, say, for instance, the relief of a suffering tenant, of a tenant that was oppressed by much rent, that would have been simply a localisation of action, you would, of course, have had good landlords, and you would have had bad landlords; you would have had tenants that were lightly burdened, and tenants who were oppressed by their burden, and if in detail you had said let us redress the grievances, it would have been simply an attack upon the bad landlord, simply an action by an oppressed tenant, and not one by the lightly burdened tenant, and you would have had an action of these individuals according to locality—you would have had, no doubt, an attack upon the bad landlord, and you would have had arrangements and concessions made; you would have had grievances redressed in localities; you would at the best, according to the pressure of Mr. Davitt's action, had local outbreak or local attack, and therefore it was now for the first time departing from the old habits of redressing grievances existing in different localities—departing from the old habit of things which had caused the Ribbonmen of Westmeath to come into existence to spread over the locality here and there for the purpose of redressing particular and local differences. Passing from the time when, according to that well used book of Sir Cornwall Lewis, in 1826 and 1828 secret societies sprang up in different counties, making an effort to deal with real grievances, seeking to obtain redress here, there, and everywhere in Ireland. Mr. Davitt's object being none of the redress of grievances, except as the means to an end—he sought, in order to obtain political results, political centralisation; and the reason of it was that that centralisation should have control over locality, and should lay down fixed and firm rules for the action of men; that you should tell the man who had a grievance to redress, and the man who had no grievance to redress—you shall act in the same way, and be governed by the same rule of action. And so it was in order to obtain a central power that should enable men, when they will, to settle action, and when they will to have control, complete and entire, over every man's individual action. This man, whose conduct, and to whose conception I now, in dealing with the course he took in the founding of this scheme, I wish to pay every attribute; he knew that the mere redress of personal or individual grievance would do little or nothing to affect the great political result that he regarded, namely, the separation of Ireland; and I will show to you he designed a method of appealing to the interests of men to bring them under a certain fixed rule of general combination, and then, having them at the command of politicians, he is able to use the man whose grievance is a social one, some not affected by political considerations.

My Lords, I think we must also give Mr. Davitt credit for some originality. It is true that in the year 1848 Mr. Fenton Lawlor had published in a newspaper called the "Felon" some suggestions in favour of a movement which Mr. Davitt himself accepts as identical, or nearly identical with that movement, which Mr. Davitt afterwards submitted to those who sympathised with him in Ireland and in America. But Mr. Davitt says that he was not aware of Mr. Fenton Lawlor's publication in the year 1879, and I assure your Lordships I accept Mr. Davitt's statement in that respect, as I shall in many others that follow. Therefore it is to him of whom I have been speaking, that the originality of this movement is to be ascribed. Of course a movement such as this, which has had such great effects, modelled from one man's thoughts, under circumstances that we know affected Mr. Davitt in prison, certainly must represent the action of a mind of great strength, and as I have said, of great originality.

My Lord, when we work it out, it however was dealing with very natural causes and very natural results. Mr. Davitt, according to his own statement, knew as well, perhaps almost better, than any one, what would affect the mind of an Irish peasant. He has made it, and I think rightly made it, almost his boast, standing as he does to-day seeking to move your Lordship's judgment, and having great influence with the Irish people as an Irish peasant in his birth and origin. And my Lord, as one of them, he knew, as I have been pointing out, political argument and political topics would fall dead upon those men's ears; but he knows too, that without using the term that he

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could appeal to their cupidity, some one has used that term, or to the baser motive of action in men's lives, he could bring home to them the necessity of action if he could tell them that they would earn the name of patriot, that they would be effecting great alteration in their country's position, and at the same time tell them that they would be relieved from the payment of the money they had promised and contracted to pay.

My Lord, I am afraid as we work this case out we shall find that Mr. Davitt knew that it was useless to appeal to this class alone. He knew that to appeal moderately to the peasant as described by my friend, half fed, as I shall show, and as Mr. Matthew Harris describes them inert and dead, and unlikely to be moved by appeal, it would be useless unless he could combine them in action with men of physical strength, men of strong will, and men of power of action. And, my Lord, I think we shall see that the alliance that he designed, and that the alliance he did carry out, was an alliance between tenants who were seeking to avoid the payment of the rent they had contracted to pay, and Fenians who were willing to hide only for the time. And so it was that Mr. Davitt waited in expectation and hope the 19th day of December 1877, when he came forth from his prison, and as I have said he could have known nothing of the condition of Ireland at that time, about an Ireland which, as we shall see, was a prosperous Ireland, an Ireland that was comparatively prosperous in its late seasons, and prosperous in its political condition; about a peasantry that were growing day by day more contented; who had less cause for discontent in their lot every hour. Mr. Davitt, as he came from his prison, went forth, and to them he made the appeal that he afterwards made more in detail to the leaders of the Irish people. I would verify, my Lords, if necessary, Mr. Davitt's account of his own movements of what took place. He had been a Fenian. He had, as he tells us afterwards, in America, changed no opinion. He has told us to-day, my Lord, that imprisonment had softened his views, his views, at least, as to the manner of action. I will only take Mr. Davitt's words, and I think he has correctly conveyed what he meant. If he said that he had changed his views upon the policy, the wisdom of action, his hatred of England and English rule was the same as he explained to the American people, he has not altered his political views. As he thought before his imprisonment he thought after his release. He had been a Fenian, and he left prison as a Fenian, and the first act as we know, when the prison door was open, the first act he did was to look about for his old associates, and of those who remained there were enough still to elect him upon the Supreme Council of the Fenian Brotherhood. Whether it was in December of 1877 or the beginning of 1878, Mr. Davitt shortly after his release underwent no change in the mode of thought which he now says had been softened in prison, for he still with fixed opinions rejoined the body he had left. It may be the suffering that he had undergone had given him claim upon that body; he is elected at once a member of the Supreme Council of the Fenian body. He says, and I accept in all these matters Mr. Davitt's statement, that he did not attend the Supreme Council after the month of July 1879, though he remained a member of it until his expulsion in May 1880. I am speaking now of the Supreme Council and not of the Fenian body. He was elected, according to his evidence, shortly after his release from Dartmoor prison; he remained attending the meetings of the body, and I ask your Lordship's attention to the date according to the date of Mr. Davitt's statement until July 1879, his expulsion taking place 10 days or a fortnight after the Rotunda meeting held the 30th of April 1880. I see he was not expelled till the month of May 1880.

My Lords, as I see Mr. Davitt is not here, I would verify the statement I have made. You will find it at page 5617. He is asked this question at Question 86,965 :

“(Q.) Did you again have any office between 1877 and 1879?—(A.) Yes; I “ was elected member of the Supreme Council. (Q.) And continued to be a “ member of the Supreme Council up till the time of your going to America, as “ I understand? (A.) I ceased to attend after the middle of 1879. Then on the “ eve of my departure from America in 1880 I was expelled.”

Your Lordships will recollect the Rotunda meeting was the 30th April 1880; Mr. Davitt sailed, I think he said, fourteen days after that meeting, therefore it must have

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[Continued.]

been in the early part of May 1880 when he was expelled. Then we have it, my Lord too on this same page, question 86,959 :

“ You joined again when you came out in 1877 ?—(A.) Almost immediately.
 “ (Q.) Where ?—(A.) There was no joining in the sense of taking an oath.
 “ (Q.) You attended at some place ?—(A.) I rejoined here in London. (Q.) A
 “ circle in London ?—(A.) No, I was not attached to any circle in London.
 “ (Q.) You simply attended a meeting ?—(A.) I simply attended a meeting; yes.
 “ (Q.) Of course I. R. B. body ?—(A.) A circle in London. The organisation in
 “ London had dwindled down to little or nothing at that time. (Q.) Did you
 “ again have any office between 1877 and 1879 ?—(A.) Yes; I was elected
 “ member of the Supreme Council.”

Then, my Lords, he proceeds to speak of his expulsion. Then it proceeds at question 86,972—

“ (Q.) Do I understand you to say that apart from the Supreme Council you
 “ ceased to be a member of the body ? (A.) I did, I attended no meeting of the
 “ I. R. B. after 1879.”

That, my Lords, he explains afterwards is the middle of 1879, which we have given as the date of July 1879. Then I think there is a further explanation as to this matter. I think that explains Mr. Davitt's position in respect to the Fenian body and the Irish Republican Brotherhood after he left his penal servitude.

Now, my Lords, it may be that what Mr. Davitt has said today that he had changed his views as to the desirability of obtaining the separation of Ireland from Great Britain. I do not so read it. In the first place the joining the Fenian body shows the contrary, but I have Mr. Davitt's express statement upon this matter. At page 5644 we have an account given by Mr. Davitt. This is a newspaper interviewer, and it appears to be in that newspaper—I think, my Lords, it is in the year 1883 or 1884, at any rate, it is not very material as to the date, because Mr. Davitt, when that which I am about to read to your Lordships was read to him, gave this answer, “ I adopt every word of it.” My Lords, if my memory serves me rightly this was in answer to an address that was presented to him on his arrival in New York in 1878 which represents Mr. Davitt's first visit to America, and in answer to that address Mr. Davitt stated what his opinions were.

(*The President.*) Page 5644 ?

(*Sir H. James.*) Yes, my Lord. Mr. Davitt says this correctly represents his views :—

“ Twelve or fourteen years ago, my boyish heart thrilled with admiration for
 “ the men who confronted Ireland's foe, and taught from the dock and the prison
 “ the undying principles of Irish nationality. I became an humble disciple of
 “ the same and an enemy to the enemies of my country. In my riper years I
 “ have adhered to the principles I then imbibed, and when their profession
 “ entailed a like penalty to that which Dr. Luby, Mr. Devoy, General Bourke, and
 “ many others had to bear, I trust I endured it in a like spirit to theirs, and left
 “ behind me a prison record of which my countrymen need not feel ashamed.
 “ You are already aware that my stay in America is to be of short duration, and,
 “ as a public expression of my opinions as a Nationalist would be injudicious, I
 “ therefore refrain from any allusion to them beyond saying that my imprison-
 “ ment has not changed my political convictions in the least, nor lessened my
 “ faith in the ultimate triumph of the cause in which they are enlisted.”

My Lords, I think it is due to Mr. Davitt to remind you that the use of the words “ public expression of my opinions as a Nationalist would be injudicious,” did not mean that he had any hidden views that, at that time, they could not be made public. He had been released from prison under certain terms that would place him in a wrongful position if entered into them. That is the explanation Mr. Davitt gave in the box, but it still remains. This would be fixing his arrival at New York, as we shall see. I am going to trace Mr. Davitt's action in the autumn of 1878.

My Lords, here is a statement, to that extent only I use it. Mr. Davitt's views were the same as to political events as when he entered prison; and in riper years he adhered to the principles that he had imbibed in the younger period of life, when their

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[Continued.]

expression entailed a like penalty to that which others had suffered. Now, step by step, in endeavouring to see from what origin this Land League has come, I hope, my Lords, I have established by the first admission of my learned friend, Sir Charles Russell, that Mr. Davitt was the father of the Land League. Next, by simply reminding your Lordships of the evidence that Mr. Davitt himself has given, that we have to look on the intentions of Mr. Davitt when he placed this design of his before those who could assist him. If it be necessary, if your Lordships require that assistance, I can of course point out to you such testimony as that of Mr. Parnell, who told us how the Land League was started in Mayo by Mr. Michael Davitt; to him witness after witness has ascribed the merit or demerit, as it may be, of having founded the Land League, shall be, as I pass on, fully established to your Lordships. We have now established that the founder of the Land League was, as alleged in "Parnellism and Crime," a Fenian, that is, that the Land League was of Fenian origin; that it was thought of and designed by one who had belonged to that body—by one who speaks openly and frankly enough that he did belong to that body; and who admits when he came before the public, both in America and in Ireland, to submit his scheme to them, he was submitting it in that sense, and that as a Nationalist being a Fenian, in accordance with Mr. Parnell's use of that term he was seeking one final end, one final end alone, and that was the separation of Ireland from England.

My Lords, before concluding today may I remind you what steps Mr. Davitt took. He told us, and if necessary, I will go step by step with his statement. He told us that upon release from prison he sought his old associates. Time had passed, and those associates had been scattered; most of them, Mr. Davitt said, were in America. I thought, from the evidence at first, that Mr. Davitt's first step was, when he came into the world again, if I may so term it, in 1877, that he at once communicated with the Irish Nationalists, the Irish Fenians. A more careful reading of the evidence, especially of Mr. Davitt in re-examination, leads me to think that he did not submit the scheme that he had revolved in his mind. He did not submit it until after his return from America. Of course, when I trace his release from prison in December 1877, when I trace the first visit Mr. Davitt paid to America in the early part of 1878, the rejection of Mr. Davitt's plan by the Irish Nationalist as distinguished from the American, you will find it mentioned at page 5673, where he says he submitted the plan in 1878 to 1879; 5639, where he says he submitted it after returning from America; and page 5659, where he says it was submitted in 1879. My Lord, reading these three statements, and also the report of John Devoy made in August 1879, I think your Lordship will arrive at the result that the Irish Home Nationalists were not consulted until after Mr. Davitt's visit to America. I do not know whether it is very material, whether he submitted it to the Irish Nationalists or the American Nationalist in the first instance. It was natural that Mr. Davitt should go to America, because, as he says, he found most of those whom he had associated in action were in America.

(*The President.*) He gives us the primary reason that his family were.

(*Sir H. James.*) He sought them again. He knew that the friends who agreed with him in political action were there, and apart from the proof that we have who those men were, and what their views were, we shall have at least this fact admitted: that the scattered friends of Mr. Davitt, that the friends, who when he came from prison in December 1877, he could find no more who had been the friends of his early youth and his early action, they were the Fenians who were in combination to affect by physical force the distribution of the rule of Great Britain over Ireland.

My Lords, we have now to accompany Mr. Davitt on his voyage from Ireland to America in the spring of 1878, and perhaps you will allow me to break off here.

Adjourned till to-morrow at 10.30.

Mr. Davitt

6565

“Uncorrected Proof.”

James 2nd Day

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1,

Friday, 1st November 1889.

(*Sir Henry James.*) My Lords, I have now to deal with Mr. Davitt's visit to America, which you will recollect occurred in the month of August 1878. It may be, and is likely, that Mr. Davitt had several reasons for making that visit to America. If my memory serves me rightly he spoke of a most natural personal reason for visiting America, but certainly that visit was connected with political purposes also. In the course of his speech on Friday last, at page 6362, Mr. Davitt said :—

“ I had a well defined purpose in my mind which made a journey across the Atlantic more than a mere incident; this purpose rendered it unnecessary for me to consult with Mr. Parnell or anybody else. The first person and the only one I called upon in New York, was Mr. O'Kelly, now member for Ross-common.”

Mr. Davitt, when he visited America, found himself surrounded by a class of persons whom we may designate as being either persons of extreme views, or what may be termed as belonging to the revolutionary party. In order to construe, my Lords, the evidence that has been given before you, it is reasonable, I think, to note that at the time of which we are now speaking and with which we are now dealing, we may take it that when the word “Nationalist” is employed it means “Fenian.” Mr. Parnell, at page 3962 of the evidence, and at question 59,221, explained the use of this term. Mr. Parnell said “Nationalists,” up to the date of the formation of the National League, were understood to be men who believed in physical force; and certainly, of course, such designation would include the Irish Republican Brotherhood confederacy in Ireland, and also that combination which was in correspondence and near connexion with them, namely, the Clan-na-Gael in America.

Now, my Lords, we have Mr. Davitt's own account, and upon this part of the case I am willing to accept it as accurate. Mr. Davitt makes his own narrative as to the events that occurred upon his arrival in New York, and at page 5645, commencing, my Lords, at Question 87,424, we have his account. The question is put to him :—

“ It may have been in connexion with the lectures; but you do not quite see the point of the question I put to you. How soon after your arrival did you consult any prominent Nationalist in reference to your schemes? (A.) Possibly immediately; wherever I met them. (Q.) Of those names I mentioned to you, of those trustees of the Skirmishing Fund you became acquainted with, who may I take it were among those you consulted?—(A.) Dr. Carroll, John Devoy, Patrick Mahon of Rochester, and possibly Mr. Reynolds. I have no particular recollection about it. (Q.) Breslin?—(A.) Possibly. (Q.) Did they all take it up at once?—(A.) Oh, indeed, they did not. (Q.) It is a fact, is it not, that some of them were opposed to it at first, were they not?—(A.) Oh, yes; and a large number remained opposed to it to the end.”

Now, we have to deal with the men with whom Mr. Davitt associated, and from whom, I am about to submit to you, that new departure, which was the cause of the formation of the Land League, sprang the man with whom Mr. Davitt was associating,

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and who were the trustees of the Skirmishing Fund. Mr. Davitt's evidence upon this point will be found at page 5641. At Question 87,332 he is asked:—

“After you came out; I am not referring to while you were in prison, but after you came out do you not know from reading the newspapers at the time that it was called the Skirmishing Fund up to a certain date, the middle of 1879?—(A.) I do not think so. I think the name was changed in 1878 from the Skirmishing Fund to the National League Fund. Of course, I may be incorrect, but I am speaking from recollection. (Q.) Had you read in the newspapers before you went to America of the objects of the Skirmishing Fund?—(A.) I did not. There was nothing in the papers on this side about it. (Q.) Did you know nothing about the Skirmishing Fund?—(A.) I was in prison for seven years before I went to America. (Q.) You said you knew Dr. William Carroll was trustee?—(A.) I learnt that when I went to America, a few months before. (Q.) What did you learn about the Skirmishing Fund?—(A.) There was a report in the paper, I think, started by O'Donovan Rossa, that the objects were to assist Irishmen; the object was to strike England anywhere where she could be hurt; the object of the Skirmishing Fund—(Q.) Was to lay the big city in ashes?—(A.) I do not know. That may have been the object of O'Donovan Rossa. (Q.) Did you never see that?—(A.) Yes, O'Donovan Rossa may have wrote it. (Q.) Did it come to your knowledge in August 1878 that the other trustees of the Skirmishing Fund were John Breslin?—(A.) Yes. (Q.) Thomas Clark Luby?—(A.) Yes. (Q.) John Devoy?—(A.) Yes. (Q.) Thomas Francis Burke?—(A.) Yes. (Q.) Jeremiah O'Donovan Rossa?—(A.) Yes. (Q.) James Reynolds?—(A.) Yes. (Q.) And Dr. William Carroll?—(A.) Yes.”

So, my Lords, it is brought home to Mr. Davitt's knowledge who were the members of the Skirmishing Fund; and now I pause for one moment only to see what this Skirmishing Fund meant. It was a combination for the purpose of destruction—destruction of life, destruction of property, destruction of the lives of innocent people, and destruction of property wherever it could be found. Testimony is borne as to the character of this Skirmishing Fund. Your Lordships will find the view entertained of it by Mr. James Stephens, the representative of one branch of the Fenian combination. At page 2813 of the evidence Mr. James Stephens, who had been in favour of open warfare, gives his view of the Skirmishing Fund; he says:—

“I have no patience with that Skirmishing Fund; it is at once the wildest, lowest, and most wicked conception of the National movement. Its parent is a Cerberus I shall not name.”

That was the judgment of an independent judge of the matter. The character of the Skirmishing Fund was known, and it was known to Mr. Davitt in the month of August. He knew who were the trustees, if that name can be applied to such men, trustees for the purpose of carrying out the objects and designs of the Skirmishing Fund; and, my Lords, it is the fact, that all these men were associated for the purpose of founding the movement, the political movement, and, as it has been termed, the constitutional movement, said to be formed for the purpose of redressing the grievances of the Irish tenant farmer.

My Lords, I would refer you rather, than read in detail, to an account of the purposes of this Skirmishing Fund which is found in the “Freeman's Journal.” It is in evidence at page 3980 of the evidence. It was a letter which appeared in the “Freeman's Journal” under the date of the 1st November 1879. Although appearing in the “Freeman's Journal” yet it is a letter addressed to the Irish people in the United States, and I presume it is likely that the “Freeman's Journal” would have copied this letter. I do not know how that would be, but it is probable it is copied from some publication in the United States. The letter is signed by William Carroll, Luby, Breslin, Bourke, Reynolds, Devoy, and Augustine Ford as secretary. Your Lordships will observe the identity of those signatures with those persons known to Mr. Michael Davitt as the trustees of the Skirmishing Fund.

The commencement of that letter is as follows:—

“The National Fund was started with a view to providing the means to strike a telling blow against England whenever an opportunity should

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“ present itself. Its object was at first distinct from the general move-
 “ ment for Irish independence, and not influenced by any particular crisis in
 “ Ireland calling for immediate action. Its originators never calculated that
 “ it should perform more than a small portion of the work of driving the
 “ foreigner from the soil of Ireland. It was intended, in short, to hasten, if
 “ possible, the advent of Ireland’s opportunity, by inflicting on England at vital
 “ points at critical moments while showing the Irish people the immense power
 “ lying unappreciated in their hands for the destruction of that empire which has
 “ robbed them of land and liberty, and driven them homeless over the earth.”

My Lords, I have given you the date of that letter’s appearance in the “ Freeman’s Journal ” in November. But there is another account, that although made much later in date than the time of which I am speaking, speaks of the Skirmishing Fund in very much the same terms or probably in terms of a more explicit character. Your Lordships will find that account of the Skirmishing Fund at 3363. At that page there is placed before you in evidence an extract from the “ Irish World ” under date 28th August 1880. Of course it refers back to the past events, and informs the world what the Skirmishing Fund had been.

“ Five years ago O’Donovan Rossa, through the columns of this paper, made
 “ known to the Irish people the idea of skirmishing He did not
 “ himself write the address that was published. Rossa called for \$5,000.
 “ The first notion seemed to rise no higher than the rescue of a few Fenian
 “ prisoners then held in English gaols. He wanted badly to knock a feather out
 “ of England’s cap. That sort of theatrical work did not satisfy us.”

This “ Irish World,” as your Lordships know full well, is Patrick Ford’s paper.

“ Nor did it commend itself to some others either. Rossa then said he was
 “ willing to burn down some shipping in Liverpool. Why not burn down
 “ London and the principal cities of England, asked one of the two whom Rossa,
 “ in the beginning, associated with him in the movement. Rossa said he
 “ was in favour of anything. The question of loss of life was raised,
 “ Yes, said he, who had put forward the idea. Yes, it is war; and in all wars
 “ life must be lost, but in my opinion the loss of life under such circumstances
 “ would not be one tenth that recorded in the least of the smallest battles
 “ between the South and the North. Someone suggested that plenty of thieves
 “ and burglars in London could be got to do this job. Here we interposed.
 “ Why should you ask others to do what you yourself deem wrong? After all,
 “ would it not be yourself that would be committing the sin? Gentlemen, if you
 “ cannot go into this thing with a good conscience you ought not to entertain the
 “ notion at all.

“ Here now, two questions present themselves: (1) Was the thing feasible?
 “ (2) If feasible, what would be the probable result?

“ That the idea could be carried into execution that London could be laid in
 “ ashes in 24 hours was to us self-evident. England could be invaded by a small
 “ and resolute band of men, say 10 or a dozen, when a force of a thousand times
 “ this number, coming with ships and artillery, and banners flying, could not effect
 “ a landing. Spaniards in the days of the Invincible Armada, and Zulus to-day,
 “ could not do what English-speaking Irishmen can accomplish. Language, skin-
 “ colour, dress, general manners, are all in favour of the Irish. Then, tens of
 “ thousands of Irishmen, from long residence in the enemy’s country, know
 “ England’s cities well. Our Irish Skirmishers would be well disguised. They
 “ would enter London unknown and unnoticed. When the night for action came,
 “ the night that the wind was blowing strong—this little band would deploy, each
 “ man setting about his own allotted task, and no man, save the captain of the
 “ band alone, knowing what any other man was to do, and, at the same time
 “ instant strike with lightning the enemy of their land and race
 “ In two hours from the word of command London would be in flames, shooting
 “ up to the heavens in 50 different places. Whilst this would be going on, the
 “ men could be still at work. The blazing spectacle would attract all eyes, and
 “ leave the skirmishers to operate with impunity in darkness.”

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Then, my Lords, at page 3364 there is "Maxims for Skirmishers."

Then comes the history of the fund, showing that in the year 1877 (at page 3365) Augustine Ford—I think Mr. Augustine Ford is the nephew or brother of Patrick Ford—that he resigned the treasurership on the ground that the management should be placed in the hands of men who possess activity and experience in National affairs than I can lay claim to, such are Thomas Clarke, Luby, General Bourke, Dr. Carroll, John Breslin, and John Devoy. That resignation is March 14, 1877. I wish to guard myself by reminding you that the date of this publication being in the year 1880, of course this last statement I have made would not be known by Mr. Davitt, and also that the statement that appeared in November would be prior to the month of August, but would be a publication during the time—probably an original publication—would be at like time when he was in America. Mr. Davitt's own statement is—about this there may be no question—that certainly prior to the month of August, when he commenced the lecturing tour of a political character in America, when he associated with the other persons whose names had been mentioned by them, he knew them to be trustees of this Skirmishing Fund, and he knew in general terms at least the objects which had brought that Skirmishing Fund into existence.

On page 5641 I have pointed out to you that Mr. Davitt says that he knew Devoy and others to be trustees of this Skirmishing Fund. In more general terms we have it proved at 5639 that he associated—I am speaking now of general terms—with the party of Nationalists in Ireland, the revolutionary or extreme party. At Question 87,289, Mr. Davitt gives an account as to the feeling in America. He is asked this:—

(Q.) "The national feeling in America at that time developed was practically entirely Fenian?—(A.) Well, I would not say that; the feeling was certainly very strong in that direction amongst a class of Irish-Americans; so far as the mass of Irish-Americans were concerned they were rather indifferent about the Irish question."

That is the mass of them. Then Mr. Parnell himself at page 3977 and Question 59,511, says:—

"I believe that so far as any active interest was taken at the time in my going to America——"

that would be later in 1879——

"by Irishmen in the Irish question, it was taken by the men of revolutionary physical force ideas."

Of course, my Lord, this would be some years later than the time with which we are dealing.

"I believe that that party was limited in numbers. I believe that the great bulk of the Irish people in America, until I went there, did not take any interest at all in Irish politics."

And Mr. Thomas O'Connor, at page 5233, not speaking from any definite knowledge, but giving the opinion in terms of surmise, speaks of these parties in America, with whom Mr. Devoy was acting, as belonging to the revolutionary party.

Now, my Lord, it is not unnatural that Mr. Davitt should have been associating, first from the absence of more moderate men, and secondly from his own will, with persons of an extreme character or belonging to the revolutionary party. His own view was that it was perfectly willing to allow the Nationalists—as the term was considered by Mr. Parnell—to take charge of this departure which he was inaugurating.

If your Lordship would refer to page 2846, Mr. Davitt gave an account of a much later period than we are speaking of, namely, in July 1882, speaking of his action at this time, and he says—

"I therefore resolved that my new plan in connexion with Ireland should not be placed for operation in the hands of any secret society, although I was willing, if the Nationalists chose to adopt it as a new departure, to let them inaugurate it"——

It is at the conclusion——

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[Continued.]

(*Mr. Justice Smith.*) Mr. Parnell is not it, said that?

(*Sir Henry James.*) No, Mr. Davitt, my Lord, page 2846. It is an account he gave of an interview with the "New York World," July 1882. That is Mr. Davitt—it is the Balchin interview I think. If I am not dwelling too much in detail, it is to be noted that when Mr. Davitt commenced this visit or this lecturing tour, the person whose address he had to give as representing him was one of the trustees of the Skirmishing Fund, Dr. Carroll.

At page 4640 there is this advertisement in the "Irish World" which has been admitted by Mr. Davitt to have been inserted—

"Mr. Davitt will remain but a short time in our midst, and parties desirous of securing his services and lectures will address Dr. Carroll, South Sixteenth Street, Philadelphia."

We start Mr. Davitt under these auspices upon this, the initial step in the formation of the Land League; and he at once prevailed on certain of these trustees of the Skirmishing Fund to enter into an alliance with him. At page 5647 Mr. Davitt, I submit to you, proves that statement of mine. He is speaking of John Devoy. He says:—

"There may have been a similarity in our views, but I do not think you put it very accurately in that way, Mr. Attorney. John Devoy's boast is that he converted me. I am not going to claim any credit for having converted him. I do not know whether I did or not. (Q.) I am not upon the question of conversion. Did not John Devoy become an advocate with you?—(A.) He became a Land Leaguer, certainly. (Q.) Did he not become an advocate with you in endeavouring to persuade other Nationalists to join in this movement?—(A.) Certainly. (Q.) On the ground that it would be a step towards the overthrow of the English dominion?—(A.) Certainly. His letters read here show that."

My Lord, we get a datum line here. I shall have to deal with my learned friend Sir Charles Russell's indignant attack upon the Attorney-General, because the Attorney-General said this was a political movement. Here is Mr. Davitt, the fountain and origin of this movement, admitting it to be so. He admits that the trustees of the Skirmishing Fund joined him. Of course, dealing with the year 1878, and knowing the views of the trustees, he could not suggest, and did not suggest, that John Devoy and the other trustees joined with the beneficent object of relieving the distress of the small tenant farmers of Ireland. He speaks frankly and openly, as Mr. Davitt has, if I may say so, throughout this inquiry, done; and he says that John Devoy joined as a Land Leaguer for the purpose of taking a step towards the overthrow of the English dominion. My Lord, it is too small to discuss terms. We have called that the political object, and I do not think my learned friend, Sir Charles Russell, will say that it was a beneficent or a social object that these men had in view.

Now we have to ask what was it, as Mr. Davitt was obtaining the assistance of these allies, that he proposed? Supporting what I have just read, the testimony Mr. Davitt has given as to John Devoy's views, we have also Mr. Davitt's evidence very distinct and clear upon this point. At page 2845 we have in evidence an article appearing in the "Nation" newspaper. It is reproducing the statement that Mr. Davitt had made to a reporter representing an American newspaper, the "New York Herald." I am not quite sure that this account has been put to Mr. Davitt. I think a portion of it was put to him. But Mr. Davitt was in Court when this was read, I think, and he certainly has referred to it. He gives there the account of what were the events when he first came from prison, and what were the propositions that he made to these Nationalist allies he was seeking to obtain. Mr. Davitt said—

"This brings us then to the Land League movement itself. What were the first steps taken to bring it about? When I was in prison I spent my time thinking of what plan could be proposed which would unite all Irishmen upon some one common ground. I saw that the movements for the independence of Ireland had failed for two reasons. First, that there had never been one in which the people were united. Second, because the movements had been wholly sentimental. I saw that for Irishmen to succeed they must be united,

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[Continued.]

“ and that they must have a practical issue to put before Englishmen and the world at large. Sentiment cannot be relied upon to move neighbouring nations, and when changes of great political importance, involving an alteration in the policy of a country like England, conservative and somewhat slow to move, are to be brought about, there must be something practical in the issue put forward. I saw all this, and I made up my mind that the only issue upon which Home Rulers, Nationalists, Obstructionists, and each and every shade of opinion existing in Ireland could be united, was the land question. I at first proposed my plan to leaders of the Nationalists when a short time out of prison, but they refused to have anything to do with constitutional agitation.”

It was partly on account of the term “so-called” that I think a little confusion arose as to the time when Mr. Davitt first approached the Irish Nationalists. As I said yesterday, looking at the evidence which has been given before you, I think the result must be taken to be that the appeal to the Irish Nationalists was after the visit to America, and not before. Then, my Lord, came the sentence which I have lately read as to the willingness, if the Nationalists chose to adopt the new departure, to let them inaugurate it. As I am reading this I think I had better conclude it. At page 2847 you have a very defined explanation by Mr. Davitt of his views, although this anticipates in point of time what I am dealing with.

“ After the Boston speech (the question is) outliving the policy, how was the plan introduced into Ireland ?

“ I must here allude to an able letter written by John Devoy to the “ Dublin Freeman’s Journal.”

That is a letter of December 11th, to which reference will have to be made.

“ A month after my Boston speech, with a view of influencing the Nationalists of Ireland in favour of a new policy that would widen the field of revolutionary effort. The letter attracted a great deal of attention, and although its convincing language failed to change the attitude of the leaders, the rank and file of the Nationalist party was won over to the agitation which was initiated by me as a neutral platform for all parties to stand upon. I went into the West of Ireland on my return, when I found that my plan was denounced by the leaders and the organ of the Nationalists. I saw the priests and farmers and the local leaders of the Nationalists. I inquired and found that the seasons of 1877 and 1878 had been poor, and that a famine was expected in 1879. All the farmers and cotters were in debt to the landlords and shopkeepers. One day, in Claremorris, co. Mayo—it was in March 1879—I was in company with John W. Walsh, of Balla, a cousin of mine, who was a commercial traveller. He is now in Australia in the interests of the Land League. He knew the circumstances of every shopkeeper in the West of Ireland—their poverty and debt—and the poverty of the people. He gave me a great deal of valuable information. I met some farmers from Irishtown, a village outside of Claremorris, and talked to them about the crops and the rent. Everywhere I heard the same story, and I at last made a proposition that a meeting be called in Irishtown to give expression to the grievances of the tenant-farmers, and to demand a reduction of the rent. We were also to urge the abolition of landlordism. I promised to have the speakers there, and they promised to get the audience. I wrote to Thomas Brennan, of Dublin, John Ferguson, of Glasgow, and other Irishmen known for their adherence to Ireland’s cause, and I drew up the resolutions.”

My Lord, I gather from that statement that at the time Mr. Davitt was in America, dealing now with the autumn of 1878, the propositions afterwards made in Ireland, in the spring of 1879, were probably the propositions that were made to the leaders of the advanced Nationalists in America. They would, as I will show your Lordship, include separation, call it self-government, or call it what you will, of Ireland from Great Britain. Not as the final end, but as a step to secure that, the abolition of landlordism was intended. My Lord, again I am asking whether these objects were not political ? And such being the objects of Mr. Davitt, he reasonably enough (I mean from his point of view), in order to support the action he was taking, sought the only body in America

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that could afford him assistance. Public opinion was comparatively dormant, the only active persons in the field were the revolutionary party, Mr. Parnell, Mr. Thomas O'Connor, and some others. And so to them, represented by the trustees of the Skirminishing Fund, the first proposition in support of the action which founded the Land League was made, and steps taken upon that proposition. The result of this was, of course, that the cablegram was sent. Before dealing with that cablegram there is one fact to be added as to the views entertained by Mr. Davitt at this time, and the steps he desired to take in order to carry those views into effect. Your Lordships will recollect that there had been a proposition in the year 1848 made by an Irishman, Mr. Finton Lalor, or rather a policy that had appeared in a newspaper called the "Felon" newspaper. Mr. Davitt states that he had not seen Mr. Finton Lalor's propositions at the time that he commenced to submit his own views to the Nationalists of America, but Mr. Davitt admits now that whether he had seen Lalor's propositions or not, the propositions are identical, or very nearly so.

You will find the statement of Lalor's policy at pages 5637 and 5638. Mr. Davitt is asked:—

"I understand you to agree with me that Finton Lalor's scheme in connexion with the land had been to make the land question in Ireland the basis whereby to secure national independence?—(A.) I think so. (Q.) Was not that the principle which you yourself adopted?—(A.) That was the principle that I have always comprehended and tried to act up to. (Q.) And to make the land question a stepping-stone to National independence?—(A.) Yes, if I could, because, as I said yesterday, I believe thoroughly in complete National independence for Ireland. I wish to God I could get it to-morrow."

My Lord, it occurs to one that, as my learned friend Sir Charles Russell was addressing your Lordships and depicting the Land League as a beneficent, charitable institution, as my friend Mr. Reid so often asked the clergymen of the districts, always connected with it, depicting it as Archbishop Walsh said that it was, as a tenants' defence association against landlords who oppressed them, and that it existed for that purpose only, either Mr. Davitt must have been laughing at my learned friend, or else, if he did not see the joke of the matter, those words must have fallen somewhat harshly on his ears when he (the man who had founded the Land League, who had conceived the design that was to bring these minor men who really followed him into action) from the first had been striving for one ultimate object which to him, doubtless, is the goal to obtain, which his life has been, and will be, devoted, and that was the independence of Ireland. My Lord, when that was his object, there beneath my learned friend he sat and listened, not only to the minimising to this effort, but also the reduction of it to contemptible ends, according to his views—the delivery of soup to tenants who were in need at a time of distress. I do Mr. Davitt the credit of saying that his views are broad enough, and be they right or wrong—some of us may think them wrong—he is a man of a different calibre, and he is a man of a different style and mode of man from those who would cloak their designs under the pretence, the miserable pretence, of doing an act of charity, when their whole and sole object was of a different, and a far different, description and tendency. My Lords, I must proceed with this view of Mr. Davitt with respect to Finton Lalor's views which caused me to digress. As I said before, he gave his evidence frankly enough, he said his object was the National independence of Ireland; "I wish to God I could get it to-morrow."

The question is put to him:—

"Treating the landlords as the English garrison?—(A.) Which they are, and always have been."

says Mr. Davitt.

"(Q.) What I want to get from you, and what I ask you to answer directly is, have you not repeatedly stated that your view was that the land question lay at the root of a successful revolution, whereby the English power was to be driven out of Ireland?—(A.) I do not know whether I put it in that way or not. (Q.) I am not pretending to put your words; I am putting the substance? —(A.) I think that gives the substance of it."

says Mr. Davitt.

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My Lords; perhaps it will be no waste of time if we read the headings of Mr. Lalor's programme in the "Irish Felon." It is on the same page I am now reading from, 5638. This is the programme of Lalor in the "Irish Felon":—

"The practical assertion of the right consists in two parts:—1. Abolition of British Government. 2. Formation of a national one.

"1. The mode of action which this country might have recourse to, consists in refusal of obedience to usurped authority.

"2. In maintaining and defending such refusal of obedience.

"3. In resisting every attempt to exercise such usurped authority and every proceeding adopted to enforce obedience.

"4. In taking quiet and peaceful possession of all the rights and powers of Government, and in proceeding quietly to exercise them.

"5. In maintaining and defending the exercise of such rights and powers should it be attacked. Strip, then, and let Ireland strip. Now or never, if indeed it be not yet too late to achieve independence.

"There is, I am convinced, but one way alone, and that is, link repeal to some other question, like a railway carriage to the engine, some question strong enough to carry both itself and repeal together. And such a question there is in the land—one ready prepared. Ages have prepared it. An engine ready made—one, too, that will generate its own steam without cause or care; a self-acting engine if once the fire be kindled. Repeal had always to be dragged. This I speak of will carry itself, as the common ball carries itself, down the hill.

"(Q.) Those are Lalor's words. Do you remember referring to that?—(A.) I think I referred to that article, but I cannot recollect quoting those particular words. (Q.) However, it was that part of Lalor's programme that I was referring to. There is a similarity between the two movements?—(A.) Yes, there is a general similarity between what he there proposes and what was in my mind."

My Lords, by the translation of that evidence we now know what was in Mr. Davitt's mind, and we know now what were the propositions that he would make, and, as I submit to you, he must have made, and did make, to the leading Nationalists in America whose support he sought. Your Lordships will recollect that on the 24th September 1878 Mr. Davitt first (as I believe it is his first appearance in New York) delivered a lecture at New York. I cannot, of course, vouch positively as to this being his first appearance. I can find no trace of any previous appearance, and I think we must take it this is Mr. Davitt's first appearance in public. He arrived in August. He may have had matters of a personal character to deal with in the first instance, but on the 24th September 1878 we have him delivering a lecture in New York. My friend Mr. Asquith points out to me that in his speech, though not in his evidence, Mr. Davitt refers to a previous lecture at Philadelphia about a fortnight after his arrival. That is at page 6632. I do not think we have any evidence as to what occurred at Philadelphia. I think probably the reason is Mr. Davitt, with some modesty, says:—"I was not at the time considered of even sufficient importance to get a paragraph in the daily press of Philadelphia, but there was some reference made to this matter in the 'Irish World.'" So, probably, we have no record of it except the statement in Mr. Davitt's speech. But we have a recorded account of what took place at the New York lecture. The evidence upon that point is at p. 5647:—

"(Q.) Your first lecture in New York, it may have been, on the 24th September 1878. I will read to you——."

so and so. Then this resolution, Mr. Davitt says, was passed:—

"That we deem the present a fitting opportunity to proclaim our conviction of Ireland's right to an independent national existence. That as Ireland has never forfeited her right to independence, and as no action on the part of England has given any justification for the acceptance of the union, we hereby protest against all attempts to compromise, and renew our resolve to work for the complete overthrow of British domination."

It will be noted that that resolution was proposed by John Devoy. It was, I presume, the outcome of Mr. Davitt's lecture given in pursuit of the objects he had in view, and so far, again, a political object is the result of Mr. Davitt's address to the public that gathered to hear him.

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Then, my Lord, I think the next meeting, of which we have a note, is on October 13th, 1878, at Brooklyn. Evidence is given of that at page 2771. I shall have to refer to Mr. Davitt's views expressed here probably again with another object, but we see traces here that Mr. Davitt (who, of course, in consequence of the sentence he had undergone, had taken no part between 1870 and the commencement of the year 1878 in public life) at this time did not regard with any great favour any members of what was then termed the Parliamentary Party, but Mr. Parnell, and it shows the alliance with Mr. Parnell at that time was in his mind as one which would be of great value to him, Mr. Davitt, in carrying into effect his political objects.

Mr. Davitt said (p. 2771):—

“Heretofore the National party has held aloof from the Parliamentary question, because of the treachery of the men who misrepresented Ireland. Those men have given a wrong impression of the Irish question to the world. They have given the impression abroad that all that Ireland wanted was a fair federal union with the British Empire—a thing that the Irish people will never willingly consent to. Not one of the 103 representatives in Parliament from Ireland ever hints that he represents a people who desire a separate national existence.”

* * * * *

“Then there is another section, composed of the honest men, who are represented by Mr. Parnell. They are known as the ‘Obstructionist Party,’ and are composed of young and talented Irishmen, who are possessed of courage and persistency, and do what they can to assist Ireland.”

This is a report:—

“The speaker reviewed still further the character of the men who represent Ireland in the House of Commons. He did not find in any one of them a man who fitly represented the Irish people, unless it was Mr. Parnell, whose popularity shows that he does represent the sentiments of the people. The Home Rule party does not represent the Irish popular feeling. The aim of the Home Rule party, as defined by Mr. Power, the member for Mayo, when in this country was an effort to place Ireland in the same relation to the British Empire that the State of New York bears to the Union. It is a scheme that the Irish people will not tolerate, and they have thrown the platform and the party aside, and it exists only in name.”

And so, my Lord, as Mr. Davitt's visit continued, he was still expressing openly what he has expressed to your Lordships—that his final object was the overthrow of British Government in Ireland so as to secure the national independence of his country. My Lord, it is in order of date before this meeting that we have this cablegram sent, to which so much reference has been made and which is given in evidence at page 5649. I do not purpose detaining your Lordships any length of time in discussing that cablegram or its terms, but still it is a very important document. It is somewhat important that the evidence that was given at page 2770 by Le Caron also sets out this cablegram correctly, and I shall urge it as one of the points for consideration when you have to determine whether Le Caron's evidence is truthful or not. At page 2770 we have put to Le Caron these documents: at any rate this document is read out by my friend Mr. Reid as being a document produced by Le Caron. Now, your Lordships will recollect who were the men who sent this cablegram to Mr. Parnell. The names we have heard before. They were William Carroll, Breslin, Millen (who I presume is General Millen), John Devoy, and Patrick Mahon. You are aware, my Lord, that four of these men were trustees of the Skirmishing Fund, and it is, I see, admitted that General Millen, with whose conduct we shall have to deal in a few minutes, also, of course, was an extreme Nationalist and has been connected with acts of treason in this country, whilst the others were trustees of the Skirmishing Fund; and then we have Patrick Mahon of Rochester, who Mr. Davitt says was, according to his own account, an extremist. He occupied the position of being treasurer of the Clan-na-Gael. He is an extremist, which is sufficient for what I have to say. There should be no misunderstanding about this cablegram. Mr. Davitt has said that it was sent to Mr. Kickham, who objecting to it, did not forward it to Mr. Parnell, and Mr. Parnell says he did not

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receive it. Well, of course, that evidence must be accepted. I have no right to say in the absence of any evidence that it is incorrect. It was sent but not received. I will take it so. Therefore the importance of it is that this represents the view of the Nationalists in America, and certainly Mr. Sheridan and others have regarded it as expressing, and duly expressing, the views of the American Nationalists. Sullivan certainly expressed that view that it represented the Irish Nationalist view in America. What was in my mind is at page 2220, where Mr. Alexander Sullivan says that the matter had been thoroughly discussed in New York, and the platform was agreed to by them; that is, after it had been discussed in New York.

Now, my Lords, the detail of it is not so very material, but we have now the result of Mr. Davitt's communication to the Nationalists.

(*The President.*) Be kind enough to give me the date.

(*Sir Henry James.*) The cablegram must be taken—the date is not quite fixed—it is close to the Brooklyn meeting; we cannot give it more than the Brooklyn meeting, which is the 13th October 1878. It was copied into the "Nation" Irish newspaper the 16th November, but that does not give the date. This, I say, my Lords, must have been the result of Mr. Davitt's communication with these Extremists. It is true that he says, and I must again accept his statement, that he was far away at the time it was sent, and that John Devoy sent it. He says he was at St. Louis—that is immaterial to what I am now discussing—how came these Nationalists to send this over? They did not do this of their own motion; they did not do this until they had seen Mr. Davitt; they did not think it necessary to communicate with Mr. Parnell until they knew Mr. Davitt's estimation of Mr. Parnell; and they did not know what would be the proposition that any Irishman would support until they learned from Mr. Davitt what his views were. Then, my Lords, they send again. I see we may take it Mr. Devoy, and not Mr. Davitt, sent this cablegram.

"The Nationalists here will support you on the following conditions:—

"First: Abandonment of the federal demand and substitution of a general declaration in favour of self-government."

I pray your Lordships' notice of that term, "self-government," and you will see how important that term is when we are dealing with the open declaration of the Land League.

Then there are other propositions, which are to be found at page 2770. I have read the first proposition, and the others are as follows:

"Second: Vigorous agitation of the land question on the basis of a peasant proprietary, while accepting concessions tending to abolish arbitrary eviction.

"Third: Exclusion of all sectarian issues from the platform.

"Fourth: Irish members to vote together on all Imperial and home questions, adopt an aggressive policy, and energetically resist coercive legislation.

"Fifth: Advocacy of all struggling nationalities in the British Empire and elsewhere."

Such, my Lords, were the five propositions and terms which the Nationalists were willing to introduce into the proposed alliance. First let me remind you—substantially a general declaration in favour of self-government. I say that I think the evidence would lead you to the conclusion—I have no right to ask you to come to any other conclusion—that Mr. Parnell did not receive that document; and inasmuch as we do not find Mr. Parnell taking any active steps until he appears at the Westport meeting in June 1879, I will presume that Mr. Sullivan with others may regard that sending of the cablegram as an important step as far as Mr. Parnell is concerned. We have no right to say it affected his action, or that the particular terms of that cablegram would induce any course that he afterwards entered upon.

Now, we have lastly in November 1878, what has been termed the Boston speech of Mr. Davitt. The best report of that appears in Cashman's book. The resolutions are given in evidence at the Boston meeting at page 2846.

We have treated this Boston speech as of November—Mr. Davitt himself so treated it—I do not know that there is any great importance attached to it,—but I believe the actual date is the 8th December, almost immediately before Mr. Davitt left for America. It is afterwards put right, but it is treated all through as November. The real date is December, but there is nothing whatever turns upon the date. It

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appears under the date I have mentioned to you, December, in Cashman's book and he speaks of it as being December 8th—as a date before Mr. Davitt's departure for Ireland. That speech is a very long one, and the report I have is no doubt, as Mr. Davitt says it is, almost a verbatim report. It is not on your Lordship's note, and I do not myself purpose reading it. I do not know whether your Lordships have upon your notes, this Cashman?

(*The President.*) I think the contents of Mr. Cashman's book are in evidence sufficiently. He said he did not act, he advised him. He is not responsible for the exact language, but he is aware of the book, he has referred to it frequently, especially with regard to the interview at the end of the volume. We should not take as any evidence a statement of fact which appeared to relate to Mr. Cashman or other persons.

(*Sir H. James.*) Oh no, my Lord.

(*The President.*) But for this purpose we may take it.

(*Sir H. James.*) I was referring to the report of Mr. Davitt's own speech which he stated is more or less fully reported in this volume; but as I gather from what your Lordship has said, the book being evidence you would relieve me of reading it in order to put it upon the note. I can refer to it. The Boston speech is reported in Cashman's book at page 57. I have very little to read from it; it discloses what was Mr. Davitt's object; it discloses what he now himself says was his object, namely, to secure the separate existence of Ireland, to obtain its rights of independent government. It reviews in that speech the past action of the Nationalist party. He says, speaking of past action of the Nationalists:—

“We were actuated as much by revenge as by patriotism, and received the penalty which follows the obeying of a passion instead of the dictates of a virtue. While recognising that it was a war of races, Saxon against Celtic, we refused to shelter ourselves behind the ramparts of expediency or employ any of the many justifiable means by which a weak people might utilise their strength; and we therefore marched into the open plain inviting destruction. Instead of watching our enemy from behind the Torres Vedras of Ireland's imperishable national principles, and determining our action by his weakness or strength, according to the powers arrayed against him, we left our position exposed in order to challenge him to single combat, and we never marched to the Paris of the British Empire to see him relinquish his spoils or surrender his conquests.”

Then, Mr. Davitt proceeds, as your Lordships will see by a reference to the book, to the different mode of action to that which the Nationalists persisted in, and he asks that they shall abandon the open field, and that they shall seek for independence by other means.

He says:—

“Let them show that the social well-being of our people is the motive of their actions, and aim of their endeavours, while striving for the grand object ahead, and then the farming classes in Ireland will rally round them to assist in reaching that object. They look upon a man's existence in an abstract light, and think he should be moved in their cause without consulting that selfishness which is invariably the mainspring of human actions.”

That, my Lords, is a philosophy I will not attempt to combat, but it really represents the key to the action of Mr. Davitt, and those who assisted him. What they had called patriotism was called open action in the field, they have to appeal to the selfishness of a class, and then by means of that appeal they will bring the men who had either not the courage or the desire to take the field, and run the risk and bear the consequences of such action. But accepting the view, which I hope is incorrect, of Mr. Davitt, that selfishness is the mainspring of all human actions, they determined, as I will demonstrate to your Lordships appealing to it, to act as a mere pretence and cloak for the attainment of the final object which could not be secured by any other means.

Now, I do not know, my Lord, how I could better place before you the whole result of this American combination—the detail of which I am glad to say is now brought to a close—than by referring you to the letter written by a man who knew all that had taken place, and who had become the firm ally of Mr. Davitt; I mean John Devoy. On

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December 11th, at least on the date of December 11th in 1878, a letter from Devoy appeared in the "Freeman's Journal"; it was addressed to the "Freeman's Journal," and it is set out in evidence at page 2773. It is a long letter, my Lord, and again I will make extracts from it only of a short character. The commencement of it is at page 2773. Mr. Devoy says:—

"The frequent mention made of my name in the 'Irish Press' in connexion with the so-called new departure proposed by a portion of the Irish National party, and the very serious errors which have been committed in interpreting the scope and meaning of that proposition, must be my excuse for obtruding myself on the attention of the Irish public. As the 'Freeman' has published so much in connexion with this controversy, I hope you will enable me to state the case from the standpoint of those responsible for the original proposition. The question whether the advanced Irish National party—the party of separation—should continue the policy of isolation from the public life of the country which was inaugurated some 20 years ago by James Stephens and his associates, or return to older methods—methods as old at least as the days of the 'United Irishmen'—is agitating the mind of Irish Nationalists on both sides of the Atlantic just now, and certainly no similar incident has aroused such wide-spread discussion in Ireland for many a day as the publication of the views of the exiled Nationalists resident in New York on the subject."

I presume that meant the publication of the cablegram and also articles, one of which I shall have to refer to probably in the "Nation," dealing with the question of this new departure. Of course the whole of this letter is important, but as far as I would wish to call attention to it, it is at page 2775:—

"The object aimed at by the Irish Nationalist party, the recovery of Ireland's national independence and the severance of all political connexion with England, is one that would require the utmost efforts and the greatest sacrifices on the part of the whole Irish people. Unless the whole Irish people, or a great majority of them, undertake the task and bend their whole energies to its accomplishment—unless the best intellect, the financial resource, and the physical strength of the nation be enlisted in the effort—it can never be realised. Even with all these things in our favour, the difficulties in our way would be enormous; but if firmly united and ably led, we could overcome them, and the result achieved would be worth the sacrifice. I am not one of those who despair of Ireland's freedom, and am as much in favour of continuing the struggle to-day as some of those who talk loudest against constitutional agitation. I am convinced that the whole Irish people can be enlisted in an effort to free their native land, and that they have within themselves the power to overcome all obstacles in their way. I feel satisfied that Ireland could maintain her existence as an independent nation, become a respectable power in Europe, provide comfortably for a large population within her borders, and rival England in commerce and manufactures. I contend she can never attain the development to which her geographical position, her natural resources, and the moral and intellectual gifts of her people entitle her, without becoming complete mistress of her own destinies, and severing her connexion with England; but I am also convinced that one section of the people alone can never win independence, and no political party, no matter how devoted or determined, can ever win the support of the whole people if they never come before the public and take no part in the everyday life of the country. I have often said it before, and I repeat it once again, that a mere conspiracy will never free Ireland. I am not arguing against conspiracy, but only pointing out the necessity of Irish Nationalists taking whatever public action for the advancement of the National cause they may find within their reach, such action as will place the aims and objects of the National party in a more favourable light before the world, and help to win the support of the Irish people."

Then, passing as quickly as I can from this letter, your Lordships will observe at page 2777, Devoy says:—

"I yield to no man in the lengths I am prepared to go to get rid of foreign domination in Ireland, but I refuse to be guided by the narrow dogmatism through the instrumentality of which a few pigmies managed for a sad decade

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“ or so, to retain the leadership for which neither nature nor training ever fitted them. I want to see the national will consulted through the only means at present available, and when the country speaks I am not afraid of the result, for I am convinced that Ireland desires independence to-day as ardently as ever, and that nothing less will ever satisfy her.”

And, my Lords, the next page gives the history of what Fenianism had effected in the past. At page 2779 he summarises rather what he said in these terms:—

“ The Nationalists could only obtain control of the local bodies and of the Parliamentary representation by the adoption of such a broad and comprehensive public policy as would secure the support of that large class of Irishmen who now hold aloof from all parties, but are Nationalists in heart and feeling, and vote for the man or the party that goes nearest to their ideas, and which would further detach from the Home Rule party all who are really in favour of a larger demand than that of Mr. Butt, but who now give the Home Rulers conditional support. The object, however, can be reached much more easily by an honourable compromise. This compromise is only possible by leaving the form of self-government indefinite, putting off the definition, until a really representative body, with the country at its back, and elected with that mandate, should be established and speak in the name of the nation.”

Again, I say, when we come to the above objects of the Land League, this statement is very important. Then I do not think we need trouble your Lordship with much more of this letter, but I will read this passage—

“ As the battle of Irish freedom is outside Parliament, and as Home Rulers, Repealers, and Nationalists all call the form of autocracy they desire self-government, as in addition to this, they agree substantially as to the present needs of Ireland, there should be nothing to prevent them agreeing on a common platform, which would bind them together for the common good of the country until the country itself should speak in such a manner as to command the allegiance of all.”

We then have some few words pointing to the necessity of dealing with the land question—

“ No party or combination of parties in Ireland can ever hope to win the support of a majority of the people except it honestly proposes a radical reform of the land system.”

You will see that is exactly in a line with Mr. Davitt's view that he ought to appeal to the selfishness of the men who hold land. I think I can refrain from dealing further with that letter, asking your Lordship to read it.

Now, Mr. Davitt in his speech has endeavoured to show that his New Departure was different from John Devoy's. I do not follow Mr. Davitt's reasoning upon that matter. I am referring your Lordships to the fact that Mr. Davitt had attempted to distinguish between what he terms his view of the New Departure, and John Devoy's view. I cannot, as I say, quite follow Mr. Davitt's reasoning. These two actors in this matter seem to have had the same object in view, not to form one contending army, but to form an alliance between—you may call it—the two wings of the same army if they are acting in allied concert. But while John Devoy was endeavouring to deal with the physical force wing of the army, while Mr. Davitt—accepting his own statement again—was anxious to act more in union with the party that was bringing the weapon of physical force into action, but was dealing with the appeal to the selfishness which Mr. Davitt regarded as the main spring of all human action, that is, the action of the Land League upon the tenant farmer, I think the action was a joint action to obtain the common end, and from first to last every one of these speakers, as we shall see, was pointing out that no independence of action was to be given up, and that you could have combined action with the same result each of the two of the army maintaining its independent course.

Your Lordships will recollect—I only wish to remind you of it—that at page 2847—I have already referred to the document for another purpose—Mr. Davitt refers to this letter of Devoy's, without the slightest dissent, and, apparently, with approval.

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You will recollect that Mr. Davitt in the interview that has been proved by the evidence given at page 2847, says:—

“I must here allude to an able letter written by Mr. John Devoy to the ‘Dublin Freeman’s Journal’ a month after my Boston speech”——

it certainly is this letter—

“with a view of influencing the Nationalists of Ireland in favour of a new policy that would widen the field of revolutionary effort. The letter attracted a great deal of attention, and although its convincing language failed to change the attitude of the leaders, the rank and file of the Nationalist party was won over to the agitation which was initiated by me as a neutral platform for all parties to stand upon.”

I gather from that statement of Mr. Davitt’s that he does not dissent from the contents of the letter, which deals with means of winning over the rank and file of the Nationalist party to Mr. Davitt’s action, showing the means was not to assist the action of John Devoy, but Mr. Davitt. So we have now proof, whatever may have occurred in America. The result of that is found in that letter of December the 11th, and the statement therein contained not only represents his views but the views of Mr. Michael Davitt likewise. I would also compare the statement of Mr. Davitt by referring to Mr. John O’Connor’s evidence on this point, at page 5829. I am taking Mr. O’Connor’s account of his own action. He had been himself in active political life as a member of the Irish Republican Brotherhood. He had belonged to the physical force combination, but he was attracted by Mr. Devoy’s letter. Mr. John O’Connor—I am speaking of the gentleman who is member for Cork—Mr. John O’Connor, in his evidence, gives his account of that letter, and its effect upon him. He is asked—

“(Q. 90,389.) When did you cease to have any connexion with the Fenian body?—A. About that time. (Q.) That would be about 1880, and from that time?—(A.) Yes, after I had read Mr. Devoy’s letters. (Q.) Those, of course, were earlier than 1880?—(A.) They were, I think, in 1878 and 1879, and after I had read Mr. Davitt’s speech. You see Mr. Devoy’s letters appealed to me aprticularly, because he addressed them to the young men who were devoting their time to revolutionary purposes, and, if I remember, he said we should come out of the rat-holes of conspiracy and take part in the public life of the country, and those letters made a great impression on my mind; and then I began to read Mr. Davitt’s speeches, and they seemed to afford us the opportunity of taking Mr. Devoy’s advice, as well as having an effect in my mind, because I thought they were economically sound.”

Now, my Lord, I shall have to refer you hereafter to the statement Mr. O’Connor makes as to Mr. Devoy’s private advice to him. He says on page 5842 that whilst Mr. Devoy was writing this in public, he, who had, as I am submitting to you, the charge of it. I do not know which wing I call it—whether you stand on the right or left of the movement—but the advanced wing—that is the physical force party—he, having the charge of that, was, in secret, endeavouring to maintain the independent action of the men who were willing and anxious to take the open field when the occasion arose. Mr. John O’Connor at page 5842 says that he met Mr. Devoy—there is some difficulty as to the date—but it clearly is the visit we were going to speak of, of Mr. Devoy, in December 1878, to Ireland. It was pointed out to Mr. O’Connor, Devoy only paid one visit, and that was in 1878. Then Mr. O’Connor says (Q. 90,678)—

“In 1878 my recollection is that he wrote those letters, and he also made speeches in America on what would be called the New Departure. (Q.) You were not in America at the time?—(A.) No, but I have read these speeches.

Then Mr. O’Connor proceeds, when asked—

“(Q.) Have you read his letters—read those published letters of his, before he endeavoured to detach you or prevent you from joining the constitutional movement?—(A.) Well, I should not say that he prevented me from joining the constitutional movement, because—— (Q.) Sought to prevent you?—(A.) Because there was no constitutional movement in active operation at the time, (Q.) That is what I was going to ask you, I chose your own words.”

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Then Mr. O'Connor replied :—

“ He gave me no encouragement to carry out the programme put forward in his letter. (Q.) Did he encourage you to carry out the old programme of the Fenian Society ? ”

Will your Lordships mark this answer of Mr. O'Connors on his part—

“ (A.) Well, I do not think that is material to the case at all. (Q.) You decline to answer ? (A.) I decline to answer that question. (Q.) To what date do you apply the observation that he did not encourage you to adopt the new programme ? (A.) The time that I met him. (Q.) Was not that in January 1878 or early in 1879 ? (A.) It was between the publication of his letters and the establishment of the National League.”

That meant the Land League, of course. Now, he proceeds to say in answer to the question—

“ In what did the alteration consist ? (A.) He intended us in his letters to take a part in the national life of the country in the open—to the municipal council, the poor law boards, the boards of guardians, and generally to take part in the national life of the country. Well, when I met him, he did not encourage me to do that. (Q.) Did he encourage you to abstain from doing it ? (A.) No, he did not. (Q.) For what reason do you say it appeared to you that he had altered his mind ?—(A.) Well, I had grounds for it. (Q.) What were they ? (A.) I cannot say.”

That means you will see that he did not wish to say—for your Lordship asked—

“ (*The President.*) Do you mean by that—you refuse to say ?—(A.) Yes, my Lord ; it was in connexion with these Fenian organisation the grounds were, and had no reference whatever to the open movement.”

My friend, Mr. Atkinson, who was then examining the witness, abstained from pressing Mr. O'Connor further. I hope, my Lord, that the view my learned friends have taken together with myself, that there was a point when witnesses who refused to answer should not be pressed unduly. Sometimes they were unwilling to give evidence against those who had acted with them. That was a feeling, whilst it may meet the censure of legal authority, yet at the same time one can appreciate, and I hope, my Lord, it met with your sanction that we did not unduly press witnesses who sought not to hear evidence against their fellows unnecessarily. Therefore, that question was not pressed, but the meaning of Mr. O'Connor's answers is plain. John Devoy was not patriotically asking men, as I will convince your Lordships by very cogent proof, to abstain from treasonable practices, he was not asking them to lay down the arms they had acquired ; he was asking them for the sake of policy and expediency to appear to act in conjunction with those who were going to call themselves Constitutionalists, and were taking steps within—my Lords, I cannot say within the constitution—but, certainly without probably the area of treason. And yet, at the same time, this man was, as I will show to your Lordships, doing his utmost, while concealing his real thoughts and objects, to prevent the course being taken of constitutional action, and not only was attempting to keep alive, but did keep alive, the physical force body that existed in Ireland.

My Lords, I do not know how it may strike you, but one can scarcely conceive an action more full of duplicity than that which this man John Devoy took. At the time we are speaking of, Mr. O'Connor, as he tells us, was comparatively a young man. Mr. Devoy had appealed to him in his written document, which he had sent forth to the public, to come out of the rat-holes of conspiracy, and to take open and constitutional action. Then when he meets him he endeavours to prevail upon him to remain in the rat-hole of conspiracy, and endeavours to prevail upon him to continue committing acts which constituted, according to our law, acts of treason-felony, and endeavoured that the pretence which was being put forward to the public should be maintained on the one hand, and that the expression of such pretence should be defeated on the other.

My Lord, I think it well to read to you the article that I referred to, or rather to mention to you the article which appears in the “ Nation ” newspaper (page 2766). It is upon the same subject of this New Departure, and expresses, of course, the views of one of those gentlemen whose names have been mentioned to you, without other

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words of disrespect being applied to his character; I mean Mr. Sullivan. This article certainly appeared in the "Nation" newspaper on the 12th of November 1878. It was an article referring, under the head of The Alleged Fenian Proposals, to matters that had been occurring in America. This is the only passage I desire to read:—

"Some of the proposals which at present stand in their name, those which are said to have been cabled from America do not strike us as being of a practical nature, but it is something in the course of Irish politics to have arrived at this point; but even if Fenians and Home Rulers cannot quite agree as to the lines upon which an open and legal struggle for Irish self-government should proceed, they can at all events respect each other's motives, cast away those feelings of bitter enmity which, fostered by some bad advisers, have too often produced disgraceful scenes, and work in friendly accord together for at least some portions of the national programme. The whole subject is full of interest for everyone having the welfare of Ireland at heart, and we propose to return to it in another number."

I believe I have now completed the whole of the observations that I desire to make upon Mr. Davitt's visit to America. In the month of December 1878 Mr. Davitt and Devoy sailed from America for Ireland. According to Mr. Davitt's statement, which of course I accept, they did not sail in the same ship, but they met, and met early, upon their arrival. At page 5652, question 87,553, Mr. Davitt says, "I met him in Dublin in the fall of 1878." There is a letter dated December 11th of Mr. Devoy's from New York. It is probably not quite an accurate date. But that is a comparatively immaterial date. Certainly at the end of 1878 Devoy and Davitt were meeting. Now I first have to ask your attention to what was the object of Devoy's visit. You will recollect Mr. Davitt's statement that Devoy was acting in concert with him. He had become a Land Leaguer. The question whether Devoy converted Davitt or Davitt converted Devoy is immaterial. Their action was to be joint, although, as I have said before, acting within two different wings of the same army. My Lord, it is disclosed now clearly and distinctly that Devoy at this time came to this kingdom for one purpose, and one purpose only. It was to organise, to strengthen, and to arm those who were willing to fight against the authority of the Sovereign. He was guilty of course in all he was doing of the offence of high treason. I am taking his own account and no one else's. He has made a report of what he did. You will see where his field of action was identical with the field of action of Mr. Davitt, taking, of course, at this time, different courses. But John Devoy, in the report he made in August 1879, discloses his action, and without entering upon any surmise or speculation as to what he did, I would rather take his own words and remind your Lordship of what he himself has stated. I regret the document is a somewhat long one, but it is very important, and I wish to call special attention to it. It was read during the course of Le Caron's evidence and mixed up with other documents, it may perhaps not have attracted your Lordship's full attention, which I desire should be attached to it. It is a document given in evidence at page 2470. The real date is August 1879. Devoy returned from Ireland, it is proved at page 2469, in the month of July, and having returned in July a convention of the Clan-na-Gael is held at the place that is printed here, Wickesbarre, Pennsylvania, on the 9th August 1879. To that convention Devoy makes the report, and here we have the narrative of the action of this man now, as I am putting to your Lordship, acting in concert, for some purposes at least, with Mr. Michael Davitt. This is addressed to the executive body of the Clan-na-Gael.

He says:—

"In accordance with instructions received from your body on the 24th November 1878, I sailed for Europe on the 10th of December last to attend a meeting of the S.C. of the I.R.B. to be held in —, early in January, for the purpose of further consolidating the union between the V.C. and the I.R.B., and devising some means of perfecting the work of preparation for a revolutionary struggle in Ireland."

Then, my Lord, there is a dash. It is a blank.

" — was selected as you are aware, on the recommendation of a member of the S.C. as being from the many inconveniences attendant upon such gatherings

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“ under the shadow of the British flag, but owing to the difficulty of getting
 “ away from home and business at that period of the year, the members of the
 “ S.C. were unable to come together till January 19th, when a full meeting took
 “ place. The seven provinces into which the I.R.B. is divided, viz., Ulster,
 “ Munster, Leinster, Connaught, North of England, South of England, and
 “ Scotland were represented, and the four members not representing provinces
 “ were all present. I found them to be a fairly representative body of intelligent
 “ men, mostly young, but having among them a few who have grown grey in the
 “ service of Ireland, and won the respect and confidence of their fellow-country-
 “ men at home and abroad. At least two of those present had been identified
 “ with the '48 movement, while in the case of the young men their connexion with
 “ the national cause dates back 10 or 12 years, so that there is no lack of experience
 “ in the work in which we are all engaged. So far as honesty of purpose and
 “ devotion to Ireland are concerned I felt there was every reason to be satisfied.
 “ and I do not think any set of men could be got together having a more intimate
 “ knowledge of the movement at home, its 'personal,' its capabilities, and its
 “ wants. I have since satisfied myself by actual contact with the local officers
 “ and the rank and file that they possess the confidence of the organisation
 “ throughout Ireland, England, and Scotland. As the representative of the
 “ V.C., I was allowed to be present during the whole meeting, which lasted a
 “ whole week, and one of the home members of the R.D. (Revolutionary
 “ Directory) was also present. As you have already received, in letters written
 “ at the time, full particulars of all that occurred, I will merely recapitulate here
 “ the principal features of the meeting, and the results arrived at.”

Of course I am very anxious to avoid reading the whole of this very long letter, because it is on your Lordship's note, but I will give, if you will allow me, short extracts from it to show the extent of the organisation that existed. There is a great deal that is mere recitation as to the events which had occurred within the I.R.B. at an early period in relation to Mr. Stephens and O'Donovan Rossa. I will pass that over, simply asking your Lordship to read that portion of the report, but I do not see any necessity for reading it in public now. There is now a statement as to the condition of the I.R.B. It proceeds in this way at page 2472.

“ Three of the best organised counties, Dublin, Louth, and Wexford, seceded
 “ from the S.C., and believing the statements so often repeated, that the
 “ American organisation supported Mr. Stephens, transferred their allegiance
 “ to that gentleman. There still remained with the S.C., Ulster, Connaught,
 “ Munster, a portion of Leinster, Scotland, and south of England; but the work in
 “ these districts was almost paralysed, and the attention of the men distracted
 “ by repeated visits and communications of a conflicting nature from contending
 “ factions, who all claimed to be 'working for Ireland.' The numbers stood at
 “ this time (1878) as follows: about 19,000 men stood by the S.C., some 3,000
 “ acted independently in the North of England, and not more than 1,500, chiefly
 “ in Leinster, followed Mr. S. No real work could be done; it was a struggle
 “ for existence, and ultimately the majority prevailed. When your former
 “ envoy arrived in Ireland this was the state of things he found existing. As
 “ you have been informed, he succeeded, with the help of another member of the
 “ V.C. residing in Ireland, in first gaining over the Leinster men to the S.C. by
 “ telling them the real truth about the state of things in America. A competent
 “ and energetic man was elected representative for the province, and these men
 “ who had been for a few months following Mr. S., have since continued to work
 “ for and under the S.C., and are gradually increasing in numbers. The
 “ displaced representative, however, wishing to be at the head of something, no
 “ matter how small, then went over to Mr. S., and the province had a good
 “ riddance. Mr. S. now counts some 200 and some followers in that province,
 “ who firmly believe that they are working with the men in America, and that
 “ the next convention will place Mr. S. at the head of the V.C., when they learn
 “ the result of that body's deliberations. I am confident there will be but little
 “ further trouble about Mr. S. You are also aware that your former envoy then
 “ turned his attention to the North of England, and with the assistance of some
 “ gentlemen, with whose names and services you are already acquainted, succeeded

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“ in reconciling the North of England to the S.C., thus completing the union of the
 “ whole seven provinces of the I.R.B., though the organisation in two of them was
 “ considerably shattered by the ordeal through which they had lately passed. A
 “ reorganisation of the S.C. satisfactory to all parties concerned was then effected,
 “ and an efficient secretary elected, who has since then rendered invaluable service
 “ in repairing the damage done during the short period of turmoil and contention.
 “ Some years before, the organisation had been a compact body of over 40,000
 “ men acting under its elected council, and making commendable efforts to arm
 “ its members in spite of the most discouraging difficulties. At the beginning of
 “ last year, after the S. C. had triumphed over the difficulties above mentioned,
 “ it was reduced to about 24,000 men, the confidence of many of its members
 “ greatly shaken, and much of the material accumulated during past years badly
 “ damaged through neglect or entirely lost.”

Then Mr. Devoy proceeds to show what he was doing in order to revive the movement, and he proceeds at the end of this page :—

“ It was deemed better to endeavour to weld into a solid mass the united
 “ fragments than to increase its size by the addition of new members.” Some
 “ mistakes were made, but, upon the whole, the action of the S. C. seemed to me
 “ judicious and safe. Some 17,000 dollars had been sent by the Executive Body
 “ (10,000 dollars came from the National Fund for arms).”

I do not wait to prove the identity of that National Fund and the Skirmishing Fund. It has been proved over and over again now and was admitted.

“ Some 17,000 dollars had been sent by the F.C. (10,000 dollars came from
 “ the National Fund for arms) for the purpose of introducing arms into the
 “ country, but it was left in the hands of the R.D. until my arrival, in the belief
 “ that the machinery of the movement had undergone too great a strain to be
 “ able to bear much pressure, and the hands of the S.C. were too full with the
 “ work of restoration to allow them to undertake any more. The organisation
 “ was just beginning to breathe a little freely, and to feel that it was again a solid
 “ living body when I arrived to confer with the S.C. as to the best means to
 “ infuse new life and vigour into it. After the most careful consideration, it was
 “ decided that, before attempting the introduction of arms in large quantities, it
 “ was absolutely necessary to send three or four competent and trusted men to
 “ visit the circles from end to end of the organisation, and to thoroughly prepare
 “ the ground, and to explain to the officers and men by word of mouth the exact
 “ condition of affairs, and the obligation that situation imposed upon them. This
 “ would require the outlay of a large sum of money; but the work could not
 “ have been done by letter writing, and I undertook that the F.C. would place a
 “ sufficient sum at the disposal of the S.C. to meet the exigency. This promise
 “ you have promptly and liberally carried out, and the result is not alone a
 “ thorough organisation, but a very considerable increase in membership.”

Then come details on the same page as to the purchase of arms :—

“ As the funds of the V.C. would not go very far in supplying arms gratis,
 “ and very many men in Ireland can afford to pay a portion of the price, I agreed,
 “ on behalf of the F.C. that rifles should be supplied at the rate of 1*l.* each to
 “ the men, the V.C. paying the balance of the price, and defraying all costs of
 “ purchase, storage, package, and transit; and that where goods already paid for
 “ by the men are lost in transit by the agents employed, a fresh supply should be
 “ given free. At the time I made this promise, I understood the price to be
 “ somewhat over that which has been since paid, but as the arrangement had
 “ already been made, it was considered better not to change it. Having received
 “ your consent to this arrangement, the necessary preparations to carry into
 “ practical effect were at once commenced.”

and so this letter proceeds. I am very anxious to shorten the reading of it, if I can.

“ By purchasing large quantities the article can be got much cheaper, and as
 “ I left arrangements for the purchase and storage in a safe place of 10,000 was
 “ being made.”

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I presume those are rifles.

“ The good effects of this are already visible, and if no bad mistakes are made,
 “ and the V.C. exerts itself in earnest to push on this good and necessary work,
 “ the brightest future is before us, and we shall, I hope, live to see at least the
 “ military honour of the country, which has been tarnished by two bloodless
 “ failures, restored to its old and proud position. These were the principal
 “ transactions of the meeting.”

Now, my Lord, comes a great detail of action, and I can only ask your Lordship's attention to it generally. You will see from this letter (p. 2475) that Devoy seems to have left Ireland and landed again on April 1st. I think we shall find there was a meeting in Paris, and he had been away. Then it speaks of a visit to the west of Ireland, to which I call attention.

“ I began with Tipperary, Limerick, and Clare, and continued my tour till I
 “ had a fair idea of the condition of the organisation in all of the seven provinces.
 “ I frequently returned to ——— to be present at meetings of the executive of the
 “ Supreme Council, and reported the results of my visits with whatever recom-
 “ mendations I thought the situation demanded. These were always favourably
 “ considered, and in many cases I visited the same locality more than once, and
 “ was made the instrument of carrying out necessary reform. Besides county
 “ and circle meetings I attended provincial conventions in Munster, Ulster,
 “ Connaught, North of England, and South of England, and local district
 “ meetings in Dublin, Cork, Limerick, Derry, Ennis, Glasgow, Dundalk, and other
 “ towns.”

The letter concludes by saying :—

“ When Leinster and Munster shall have been thoroughly re-organised, which
 “ will take some time, I hope to see 50,000 good members in Ireland alone, and I
 “ should not care to see many more. In Ulster, Connaught, Tipperary, and Clare,
 “ the great bulk of the men are small farmers or farmers' sons.”

My Lord, I lay stress upon that statement.

“ And on the whole there is a much better representation than in '65. I am
 “ glad to be able to report also the presence in the organisation and in positions
 “ of trust of a few of the smaller landed gentry, a few professional men, and
 “ a large sprinkling of comfortable business men. If the good work goes
 “ on and faction is effectually crushed, I look for large accessions from
 “ these classes, who are now decidedly more inclined towards the national
 “ cause than at any period since '48. Before leaving I was enabled [to attend]
 “ a few meetings of the newly elected S.C. through whose permission I
 “ was enabled to obtain the full and complete returns of the numerical,
 “ financial, and military standing of the I.R.B., the copies of accounts of receipts
 “ and expenditure of the S.C., and the vouchers of money and arms recently
 “ received from the V.C. which I herewith present. At this meeting the good
 “ understanding with the V.C. was confirmed, a vacancy on the R.D. filled, the
 “ military scheme of General ——— discussed, a committee appointed to
 “ amend the constitution, and other important business transacted. But for the
 “ necessity of hurrying off to attend the convention I would have remained
 “ another month when I hoped to have still better news to report. Since the
 “ meeting in January, as you will observe by the reports I present, there has
 “ been an increase of over 4,000 members, and 140 rifles in the hands of the men,
 “ and of 500 in the possession of the S.C. The outlay to secure this result has
 “ been heavy and labour incurred very severe, but I hope it will give satisfaction
 “ to the V.C., &c., &c.—Respectfully and fraternally, John Devoy.”

My Lords, the importance of this is great, of course, as showing what was Devoy's action. You will notice his dual capacity. He was in alliance with Mr. Davitt, who had agreed, according to Mr. Davitt's account and Devoy's, to have a neutral platform of action; but their meaning of a neutral platform of action is that there shall be such action as Devoy's (which we have now found disclosed by this report) carried on simultaneously with the more constitutional mode of action. We have evidence that

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this was not independent action of Devoy. It was known to Mr. Davitt what he was doing. At page 5654 the question is asked:—

“Did you not know at the time what John Devoy was over here for?”

This was the only visit we know of of Devoy, and this is the same visit.

Answer by Mr. Davitt:—

“Possibly I did. (Q.) What was it?—(A.) I have told you already I cannot answer without breach of honour. (Q.) If Devoy had stated, either to you, or at the time of his visit, what the object of his visit was, what breach of honour is there in your answering the question?—(A.) If John Devoy has stated it in his paper, or in any of his writings, I suppose it must be true. (Q.) Do you not know perfectly well that John Devoy was over here for the purpose of enlisting the Irish Nationalists in your new movement?—(A.) That was possibly one of his objects in coming over.”

My Lord, this is the way, as Mr. Devoy discloses it in his report, that the men were enlisted in Mr. Davitt's new movement:—

“(Q.) Can you suggest any other?—(A.) Except the one I have told you, that he came to visit his father and his sisters in Dublin. (Q.) Have you had curiosity enough to read his report to the Wilkesbarre Convention?—(A.) I listened to it here, but I never read it before or after. (Q.) This is at page 2470. You know, of course, that that particular document put in is a contemporary document?—(A.) It was put in by the witness Beach, I believe. (Q.) Whoever it was put in by, you know it purports to be a contemporary document?—(A.) Yes. (Q.) Do I understand you to say, Mr. Davitt, having read that, or heard that document read, you did not know that those were the objects of John Devoy's coming here?—(A.) I suppose John Devoy's report explains the object of his coming over, and I am not going to contradict it.”

My Lords, if this document was a spurious document, if this had been one of the suggested forgeries on the part of Le Caron, Mr. Davitt would have been able to say “I met Devoy; I knew his objects, and the statement in that document is untrue”; but with all his knowledge of fact after communicating with Devoy in 1878 and 1879 during his visits here, Mr. Davitt, applying that knowledge to the report to the convention of August 1879, frankly says “I believe it to be true that report does convey the object of his coming.”

Now, my Lords, we proceed one step further. Mr. Davitt now says that was the object of the visit of Devoy to Ireland, and the object of his visit to the west of Ireland. We proceed a little further when we find Mr. Parnell's view of Devoy's visit. At page 4004 this evidence was given by Mr. Parnell:—

“(Q.) Among the men you have mentioned, and as to whom I have cross-examined you at very considerable length with reference to your connexion in America, is John Devoy. Do you now know, one way or the other, whether John Devoy had a great deal to do with the consultations with Mr. Davitt in the formation of the policy?—(A.) I know generally that John Devoy was very much interested in the success of the Land League in America, and that he took that interest before I went out to America.”

The date of Mr. Parnell's visit to America, your Lordships will recollect, was in December 1879.

“(Q.) You knew generally that John Devoy and Mr. Davitt were consulting respecting these matters in the years 1878 and 1879?—(A.) I thought it probable. I do not say that Davitt ever specially told me that he was in consultation with Mr. John Devoy, but I should think at that time it must have been in my mind that Mr. Davitt would have seen Devoy, and that Devoy was in favour of the new organisation, that is to say, the Land League movement in Ireland. (Q.) I want first to call your attention to this. John Devoy had been a leading Fenian —(A.) Undoubtedly. (Q.) You had had no public statement that John Devoy had ever ceased to be a Fenian?—(A.) Certainly not. (Q.) Do you suggest that you ever had any private statement that he had ceased to be a Fenian?—(A.) Never. I have never spoken to John Devoy

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“ about Fenianism at any time. I have never spoken to any of these men about
 “ Fenianism. (Q.) You know now that John Devoy was a member of the
 “ Clan-na-Gael?—(A.) I should think so. It is probable. (Q.) And a trustee
 “ of the Skirmishing Fund?—(A.) And a trustee of the Skirmishing Fund.”

Now, my Lords, I do not wish to put this evidence on too high a level. I do not wish to erect a false standard in relation to it. It is brought home now, with Devoy and Mr. Davitt acting together, that the treasonable action of Devoy was known to Mr. Davitt, the action I mean of urging the young men of Ireland to run the risk of all the consequences of their treason whilst he should be safe in America; that he was organising and arming them; that he was doing the best, by private advice, like that to Mr. John O'Connor, to cause them to remain, to use his own term, in the rat-holes of conspiracy; and whilst Mr. Davitt knew it, Mr. Parnell at least knew this, that Mr. Davitt and Devoy were in consultation together; and Devoy, a trustee of the Skirmishing Fund, was a supporter of this Land League movement during the years 1878 and 1879, and that it was a support that was given in conjunction with Mr. Davitt at that time. My Lords, I say I am not putting it that there was positive knowledge of any detail of action in Mr. Parnell. I think that, as I proceed, I shall show you that it was part of his policy that there should not be too minute knowledge of what was going on by many of the leaders of the Land League, but that there was simply a general view entertained by Mr. Parnell that the supporter of this movement at this time, in conjunction with Mr. Davitt, perhaps the principal supporter in conjunction with Mr. Davitt, was John Devoy, a Fenian, known to him as a Fenian, and, if not at this time, at a later time, known to him as a trustee of the Skirmishing Fund.

My Lord, I have pointed out to you what was the joint action so far as Mr. Devoy took part in it. We have other actors too, acting to the knowledge of Mr. Davitt in like manner. Your Lordships will recollect the name of a General Millen and also of Dr. Carroll. As Devoy came in December 1878 to Ireland to take his part in the new alliance, the part which has now been disclosed to you, so came General Millen, and so came Dr. Carroll. At page 5652 (I am taking again, as I take as much as I can, the evidence of Mr. Davitt for my authority) Mr. Davitt speaks of all these three persons who so jointly acted. He first, as I remind your Lordship, had spoken of John Devoy, and he has this question put to him:

“ Were you aware at this time that Devoy had the same policy, call it
 “ the new departure or whatever you like to call it?—(A.) Practically the same.
 “ (Q.) Was John Devoy known in Ireland as being a Fenian or ex-Fenian?—(A.) I
 “ think very little was known about him in Ireland at all. (Q.) Had he been
 “ punished in any way?—He had been in prison. (Q.) For being a Fenian?—
 “ (A.) Yes.”

Then that having dealt with John Devoy this question is put to him:—

“ Did General Millen come over too?—(A.) Yes, I met General Millen
 “ in Dublin in 1879. (Q.) How many times?—(A.) Once. (Q.) Only once?—
 “ (A.) Once. (Q.) What was General Millen over for?—(A.) That I cannot
 “ answer. (Q.) Are you sure, did you not inquire?—(A.) I know what he came
 “ over for. (Q.) What did he come over for?—(A.) That I cannot answer.”

That answer of course is more expressive than any detailed statement. We know what Mr. Davitt means. I do not wish to refer to the same subject again, but I say I fully appreciate his statement. If General Millen is over here for the purpose of committing acts amounting to high treason, Davitt says—Let these men tell that themselves. Do not ask me to make myself a witness against my fellows. That statement we appreciate and understand. So Davitt says here—

“ I know what he came over for. (Q.) What did he come over for?—
 “ (A.) That I cannot answer. (Q.) Did not you inquire?—(A.) There was no
 “ necessity for inquiring, I knew. (Q.) What did he come over for?—(A.) I
 “ cannot answer that question. I am bound to secrecy.”

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Apart from any question of honour, I presume that means the Fenian oath bound Mr. Davitt to secrecy.

“ Let me understand that?—(A.) I will answer in this way: that it was
 “ nothing whatever in connexion with land agitation. (Q.) How bound by
 “ secrecy; what do you mean by that?—(A.) I met General Millen in Dublin,
 “ along with other leaders of the extreme movement. I was pledged to secrecy
 “ with reference to this meeting. (Q.) I really do not understand you. Do you
 “ mean to say there was a particular meeting at which you were pledged to
 “ secrecy?—(A.) Every meeting; but I am called upon to tell you that I was
 “ there because it is my duty to do it. (Q.) Will you undertake to say that to
 “ your knowledge General Millen had not come over to inspect the I.R.B.
 “ forces?—(A.) Possibly. (Q.) Can you suggest any other object which General
 “ Millen came over for?—(A.) I can only answer that by saying, he did not come
 “ over in connexion with what you call the land agitation.”

Well, of course, there is a separate view as to that; it is: that it was the Irish Republican Brotherhood action.

“ That is no answer to my question at all. Can you suggest any other object
 “ that General Millen had in coming over, except to inspect the I.R.B. forces?—
 “ (A.) You are suggesting that yourself.”

Such is the state of Mr. Davitt's mind, that he won't give evidence.

“ You are suggesting that yourself. I am not going to contradict you.”

Of course, that is an admission by Mr. Davitt that, knowing what General Millen came over for, his oath of secrecy binds him from disclosing the object of his visit, which must be therefore within the objects which the oath of secrecy was imposed upon the members of that combination in order to prevent disclosure of. That being the case, we have now in addition to John Devoy this General Millen communicating with Mr. Davitt, and coming over for the purpose of organising and strengthening the Irish Republican Brotherhood.

My Lord, one other visitor also was here, and that is Dr. Carroll, the person whose address had been used by Mr. Davitt when he visited Ireland, and of whom we shall have, of course, more to say. At page 5657 this question is put to Mr. Davitt—

“ Was Dr. Carroll over here in England?—(A.) I think he was, but I have
 “ no recollection of meeting Dr. Carroll in London. (Q.) Did you meet
 “ Dr. Carroll while he was in London?—(A.) No, I met him in Ireland.
 “ (Q.) The same Dr. William Carroll of Philadelphia?—(A.) The same Dr.
 “ Carroll. (Q.) What was he over here for?—(A.) Well, I would rather not
 “ answer. (Q.) Was Dr. William Carroll ever here in connexion with the scheme
 “ and plans that you had discussed with him in America?—(A.) Certainly not.
 “ (Q.) Nothing to do with them?—(A.) Nothing whatever. (Q.) What was
 “ your reason for not wishing to state why Dr. Carroll was over here?—(A.)
 “ Because I met Dr. William Carroll in Dublin with other Extremists, and I am
 “ pledged to secrecy with reference to that meeting. (Q.) Can you suggest any
 “ purpose for which Dr. William Carroll was over here except the same purpose
 “ that brought John Devoy and Millen over here?—(A.) No, Dr. William Carroll
 “ or General Millen came to Ireland.”

the print says—

“ With reference to the new departure or the land agitation.”

Whether that is quite correctly printed or not I do not know. It may be. I should not wish to say which way it is. Mr. Davitt seems to have said before that General Millen did not come over in respect to the land agitation distinguishing that from the action of the other wing of the army, the Irish Republican Brotherhood. Therefore, whether this means with reference or without reference I cannot say.

“ Can you suggest any purpose for which Dr. William Carrol was over
 “ here, except the same purpose that had brought John Devoy and Millen?—
 “ (A.) No, says Mr. Davitt, frankly enough, I am not going to suggest, any

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“ other purpose. (Q.) If it is an innocent purpose, Mr. Davitt, what reason is there why you should not state it?—(A.) An innocent purpose? (Q.) Yes?—(A.) I believe it was innocent from a moral point of view, but from a legal point in Ireland, probably not. Many things that are innocent in themselves are illegal in Ireland. (Q.) And in England too?—(A.) Well, possibly, as things are managed just now.”

We have now this before your Lordships, namely, John Devoy, as I have now shown from page 5652, agreeing in the new departure; willing to carry out the objects of the new departure; willing to bring into operation the means that were under the terms of the new departure to effect the object. We now know what the means were that were to effect the object coming within the new departure: the independence to be secured, as the final result, by methods different in character; John Devoy to play his part (and he played it) with Millen and Dr. Carroll. At least two of them were trustees of the Skirmishing Fund, coming to Ireland, as Mr. Davitt now admits, with Mr. Davitt's knowledge, for the purpose, not of constitutional agitation, not, my Lords, for the purpose of those munificent objects that Archbishop Walsh spoke of and which my friend Sir Charles Russell dwelt upon, but for the purpose of entering into (I dwell upon the term) these rat-holes of conspiracy and marshalling these young men till they shall number 50,000, and taking them from the industrial objects of their life to drill them, to arm them, and to organise them for the purpose of overthrowing the authority of the law in this country.

My Lords, I wish it could be that one could treat this action of this wing of the new movement, acting under the terms of the new departure, as the action of unauthorised men, and say simply it was the outburst of the old habit that Mr. Davitt tells us of—the spirit of revenge and passion—and not resulting from thought, and combined action and consideration of responsible men. But when we know to whom everyone has attributed the authorship of this Land League, my friend, Sir Charles Russell, in his speech, Mr. Parnell in his evidence, everyone treating Mr. Michael Davitt as the father of this Land League; when he tells us himself, my Lords (it is no statement of mine) that he knew what Devoy was doing; when he tells us that he met Devoy, met Dr. Carroll, met General Millen, from the end or fall of 1878 to the commencement of 1879 in secret conclave, under conditions of a character which prevent him from disclosing to you, because he would break his oath of secrecy if he did, what was the object of the meeting. When your Lordships bear in mind that Mr. Davitt himself says that at this time he was a member of the Supreme Council of the Irish Republican Brotherhood; that he continued attending the meetings, so far as I read his evidence, to which I will refer, until July 1879, and that he was not expelled until the month of May 1880; my Lords, what is the result that we must arrive at? Surely, it is that, so far as Mr. Michael Davitt bears responsibility in this matter, so far as there is to be to him attributed all the duty springing out of the fact that he was the origin and the founder of this great movement, that, my Lords, he bears it, and he bears it to the full extent of having allowed, not only to his knowledge, but within his very hope and care, a movement to go on which was in assistance of that which on the surface was constitutional, but which really was nothing more than a mere ingredient in a treasonable and a traitorous action.

My Lords, I do not know whether I am dealing too much in detail, but I wish to refer to the corroboration of all that has been admitted, whilst corroboration can scarcely be necessary; but I do so for the purpose of fortifying in other directions the testimony of a witness who has been much attacked, and who has given important evidence in this case. Your Lordships will recollect that Delaney did give some testimony in relation to the action of December 1878 and the early part of 1879. The reason I wish to refer to it, not that I think the corroborations of the admission of Mr. Davitt are necessary, is to show your Lordships that reliance is to be placed upon Delaney's testimony in other respects. Your Lordships will, I am sure, recollect that for years past Delaney has, of course, been living under conditions that would render it impossible for him, I presume, to receive statements, certainly statements of a very detailed character, of events occurring in this Court or elsewhere. If I recollect rightly, Delaney was called before Le Caron gave his evidence, before the report of Devoy was read, and also, of course, therefore, a still further time before the evidence given by Mr. Davitt. He deals with these facts, and he says this, speaking

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of the Fenian Council. I have to collect his evidence from many pages. He gave his evidence at page 1849. The questions from which I collect this evidence you will find at 34,260, running to 34,267. He says he joined the Fenians in Dublin. Patrick Egan, Thomas Brennan, Dr. McAlister, John Levy, a man in the county of Cork, named John Doran, formed the executive council. "It might be about 1879; I am not correct to dates. I cannot be after being six years in prison. Delegates came from America; John O'Connor from Cork. A commercial traveller of the name of Dr. Kenealy was one. John Devoy came from America, and General Millen, and at the same time Edward Hanlon. I saw John O'Connor several times in Dublin,—a tall man of sandy complexion, light hair, and large sandy moustache, full beard. He was known as Dr. Kenealy." Then he proceeds to deal with other matters. Here is his statement that Devoy and General Millen came from America as delegates at this time to the Irish Republican Brotherhood meetings, and of course that now proves to be strictly and completely true; and there was an inspection of his circle at that time.

My Lords, there was also a statement by Delaney at page 1850, question 34,309, in which he says that arms were to be sent in from America and expenses paid. You will recollect Devoy's report on that very subject. I am happy to say that I now proceed, still on my path of tracing out the proceedings of those who founded this organisation; but now I come to another branch of this inquiry. I now will invite your attention to that which, to a great extent, proceeds and springs from the events with which we have been dealing, namely, to enter upon the inquiry what were the avowed objects of the promoters of the Land League movement. Of course, it has been the object of my learned friend, Sir Charles Russell, to deal with this case as if no one was responsible for any statement or for any action before the 21st day of October 1879. My learned friend says that upon that day the Land League was founded; and my friend has argued upon the responsibility and liability for judgment of those who were members of the Land League as if this was some narrow case like the question of the liability of a company, and he has suggested that the act of incorporation taking place on the 21st October 1879, it is irrelevant to inquire into the circumstances under which that body was formed, and that you have only to look at the articles of association, if I may translate the terms which he reads as being the rules of the Land League; and, unless you find avowed objects there, as my friend has in terms contested, you ought not to hold anybody responsible when you are dealing with what he terms conspiracy, except for the avowed objects which appear within the written law of that combination. My Lords, that may be very well if you are endeavouring only to affect the liability or responsibility of persons who knew nothing more than what was disclosed to them by the avowed objects, but it is, I would submit to you, an observation of my friend and a contention of my friend that cannot be supported, if it can be shown that those who put forward one state of things, who avowed objects incomplete, and did not disclose their true purpose, can be shown to have had other objects in view, and, from first to last to have endeavoured to carry out those objects. My Lords, our view on the other hand as opposed to that of my learned friend, which we desire to present to you, is that the mere fact of a meeting in Dublin, the mere fact that the Land League was formed, was only one step of many, and that you have to look at the land movement before the mere technical act of incorporation or formation of the association; and I purpose showing to you, according to statements not of persons of no authority, but those who are the principal actors in the whole of these matters before this inquiry, that the action they had in view, at least in commencing the movement, as I term it, which resulted in the formation of the Land League, was not that disclosed by the Land League rules or the Land League authorised statements, but was of the character which, as far as we have gone, we have seen actuated Mr. Davitt and Mr. John Devoy in the course they had taken up to certainly the commencement of 1879. I anticipate by saying again (though I am repeating myself) that I seek to establish that the objects of these persons, who are responsible for the creation of the Land League as a body in its *quasi* corporate condition, were, first, as a final result, the independence of Ireland and separation from Great Britain; and, secondly, as a step to obtain that result, the destruction of landlordism as a system and as an entity in Ireland.

As I shall more or less be travelling over the ground that has been referred to, I will as briefly as I can, establish the propositions to you. First, I think it necessary

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very shortly to refer to one or two statements of Mr. Davitt. I am referring to the statement made at page 2845. It is a document I have already referred to, and it is a narrative that he gave to an interviewer, a person who interviewed him on behalf of the "New York Herald." What were Mr. Davitt's objects?

"What were the first steps taken to bring it about? When I was in prison I spent my time thinking of what plan could be proposed which would unite all Irishmen upon some one common ground. I saw that the movements for the independence of Ireland had failed for two reasons. First, that there had never been one in which the people were united. Second, because the movements had been wholly sentimental. I saw that for Irishmen to succeed they must be united, and that they must have a practical issue to put before Englishmen and the world at large. Sentiment cannot be relied upon to move neighbouring nations, and when changes of great political importance, involving an alteration in the policy of a country like England, conservative and somewhat slow to move, are to be brought about, there must be something practical in the issue put forward. I saw all this, and I made up my mind that the only issue upon which Home Rulers, Nationalists, Obstructionists, and each and every shade of opinion existing in Ireland could be united, was the land question. I at first proposed my plan to leaders of the Nationalists when a short time out of prison, but they refused to have anything to do with constitutional agitation."

That is the statement of Mr. Davitt. I will now refer to an authorised statement as I think it is, at least I so regard it, and that is a statement made by Mr. Patrick Egan. I am taking this extract from the book that Mr. Davitt was good enough to put into my hands, from which he read, and which he put in evidence. At page 8 of that book there appears a statement of Mr. Egan, dated the 25th March 1882, and it is addressed to General Collins.

(*The President.*) I do not know what that book is.

(*Sir H. James.*) My Lord, the book is with the officer of the Commission, Mr. Cunynghame. Mr. Davitt placed it in my hands. He read from it several documents. It is one in which the proceedings of the different conventions were reported.

(*The President.*) Yes; I remember.

(*Mr. Biggar.*) My Lord, might I suggest, is it not rather unsatisfactory to quote anything from Mr. Egan, seeing Mr. Egan is not represented here, and seeing it has not been proved.

(*The President.*) We are now dealing with it as it affects Mr. Davitt, who put it in evidence.

(*Mr. Biggar.*) Is it perfectly clear that he did put it in evidence?

(*The President.*) I was reminded of the fact that occurred. He handed it over to Sir Henry James.

(*Sir H. James.*) Mr. Davitt read from the book several times, which had not been strictly proved, but to which no objection had been made; and he then handed the book and said he would be glad to put it into our hands for the purpose of reading the context, or aught else, in that very book which he had been using without objection by us. He referred to this document. It is at page 8. It is addressed to Mr. Collins, the president of the Irish National Land League in the United States, at Boston.

(*The President.*) It was mentioned, if I recollect rightly by Mr. Davitt, as the official report of the convention.

(*Sir H. James.*) Certainly, and Mr. Davitt read from this official report of April 12th, 1882, held at Lincoln Hall, Washington, and this appears as part of the proceedings. It was read at the convention, and there, in this letter, Mr. Egan says that:—

"It has been said that the outcome of the Land League is not national. No one in Ireland pretends to hold that belief unless those who are in their hearts inimical to the national cause. The land movement was originated, built up, and sustained by the Nationalists of Ireland, men who, eschewing sentiment and sunburstism, determined to set practically to work to effect the regeneration of their country. On my own behalf, and on behalf of my friends of the

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“ League, both in prison and outside, I can say that we regard the land question
 “ only in the light of a step towards national independence, which is, and shall
 “ continue to be, the goal of all our efforts.”

Your Lordship will recollect Mr. Egan had been treasurer of the Land League certainly until its suppression. Of course the evidence will show (it may be in your Lordship's recollection already) that he continued to act *de facto* as treasurer even after the formal suppression of that body in England. In order that there may be no mistake on this matter I will refer your Lordships to Mr. Davitt's reference to this very convention, and the proceedings from which I am reading at page 6105. He refers to the official report, and gives a full account, and then reads a portion of the proceedings, namely, Patrick Collins, the president's speech, Boyle O'Reilly's speech, and other proceedings at that very convention of which I have read a part.

I am very unwilling to trouble your Lordship with detail as to the declarations of leaders, but I have taken extracts from speeches of men made in the year 1880, who were acting as organisers of the Land League, such men as Brennan, Boyton, Mr. Dillon, Fitzpatrick, Sheridan, Malachi O'Sullivan, Mr. Walsh, and Macdonald. I have the references here to the speeches which, if I may give them to your Lordship only, without reference to them, I say, support the view I am submitting to you. If I read all these speeches I am afraid my labour will be heavier almost than your Lordships would wish me to bear, but your Lordship will allow me to give the references?

(The President.) Oh, yes.

(Sir H. James.) I refer to a speech of Brennan made on the 30th May 1880, and which is numbered, according to our numbering of the speeches, 311. I do not know whether your Lordships are bound in the same way. I am told the paging is the same. Unless your Lordships wish it, I did not purpose reading the speeches now, but simply giving the references.

(The President.) No.

(Sir H. James.) That is a Roscommon speech. Then there is another speech of Mr. Brennan on the 8th August 1880, page 331; a speech of Mr. Brennan 27th June 1880, page 318; these are all 1880 speeches. A fourth speech of Brennan on page 96, on the 26th September 1880; Brennan, the 24th October 1880, page 241; and the same speaker 17th October, page 286. At two of those speeches Mr. J. J. O'Kelly was present. Then, my Lord, on the 13th of June, at page 304, Boyton, I think, makes a similar speech, that is 4th July, page 81. 5th of December 1880, with Mr. Dillon present, page 413—I am told I read 81, 4th of July 1881; it ought to be 87, I read it 81.

(The President.) Ought to be what?

(Sir H. James.) Boyton, 4th July.

(The President.) What year?

(Sir H. James.) They are all 1880. —87 was the page. That is the real page of the speeches. I do not know that I need trouble you with a note of Fitzpatrick, and of Sheridan, but I will take one of Sheridan, 29th August 1880, at page 232.

Then there are one or two speeches which I will only read extracts from, they come from higher authority, some, for instance, from Mr. Parnell, bearing upon this question. At a speech made at Galway on the 24th October 1880, Mr. Parnell says:—

“ I wish to see the tenant farmers prosperous, but large and important as is
 “ the class of tenant farmers, constituting as they do, with their wives and
 “ families, the majority of the people of this country, I would not have taken off
 “ my coat and gone to this work if I had not known that we were laying the
 “ foundations by this movement for the recovery of our legislative independence.
 “ Push on then towards this goal, extend your organisation, and let every tenant
 “ farmer, while he keeps a firm grip of his holding, recognise also the great truth
 “ that he is serving his country and the people at large, and helping to break
 “ down English misrule in Ireland.”

Then, my Lord, may I mention that at page 2204 you will find that Mr. Healy, speaking on the 4th of March 1882, in America, quotes that speech as being an important declaration. It is proved at page 2204. Mr. Healy said:—

“ It is a movement to win back from England the land of Ireland, which was
 “ robbed from the people by the confiscating armies of Queen Elizabeth and

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“ Cromwell. It is alleged that the present movement has nothing national
 “ behind it, as if every one of its leaders was not first known and trusted, because
 “ of his national aims. But I would remind you that Mr. Parnell, in his Galway
 “ speech two years ago, explained the basis of the movement when he told the
 “ Galway farmers that he would never have taken off his coat in this movement
 “ were it not one with Irish nationality as its object.”

And without wearying you, I would refer to three other speeches by reference only of Mr. Parnell. The first is at Beaufort in Kerry the 16th of May 1880, page of speeches, 183; at Cork on the 3rd of October 1883; at Athlone, 7th of November, page 360; another of Mr. Parnell's at Belleek on the 9th November, page 98. There is a speech of Mr. Sexton's at Kilkenny to the like effect, 2nd November 1880, page 215; Mr. Thomas O'Connor, on the 26th September, page 149. My Lord, I could give you several of Mr. Matthew Harris. I will give you one of the 17th of October page 347, and Mr. Dillon, 17th October 1880, page 395.

I will only refer now to gentlemen who are members of Parliament. Mr. Redmond on the 18th September 1881, page 620. I must again refer to one of Mr. Parnell's, the 18th September 1881, I have come to now. Then Mr. Parnell, on the 5th of October 1881, page 595; another of Mr. Redmond at Wexford, 9th October 1881, page 623. Then there is a speech of Mr. Leamy's at Wexford, page 625, the same date, 9th October 1881, the same meeting, the same as Mr. Redmond's. Mr. O'Kelly at Wexford, the same meeting, 9th October, page 626. Mr. Arthur O'Connor on the same date, at a different meeting in the county of Kilkenny, page 516. Then, my Lord, in the year 1884 there is a speech of Mr. Timothy Healy, 4th of August 1884, page 655; Mr. William Redmond, Wexford, 24th September, page 656; Mr. Arthur O'Connor, on the 28th September 1884, page 639. Then in 1885 a speech of Mr. William O'Brien, 8th February 1885, page 830. Then there is a speech made by Mr. James O'Connor in the presence of Mr. Matthew Harris and Mr. Crilly, 12th April 1885, page 718; Mr. Small, 24th May 1885, page 876; Mr. William Redmond, 24th May 1885, page 879; the same gentleman, Mr. William Redmond, 23rd August 1885, page 888; Mr. William O'Brien, 30th August 1885, page 760; and Mr. Sheehy, David Sheehy, 29th November 1885, page 743.

My Lords, I make no apology for referring to those speeches, for, of course, your Lordships see they are speeches made by the gentlemen who appear here as respondents, and it is important to show, as I am going to show, that they joined in the general objects of the Land League. I will only read an extract from one speech of those I have quoted. It is a speech of Mr. Redmond's, given at page 620, a speech Mr. Redmond made on the 15th December 1881, and I think it very clearly states his own views, and probably the views of others. He says:—

“ I say for one I have a great and another object in view in this land move-
 “ ment. I am anxious that the peasants of Ireland should be free and indepen-
 “ dent men. I am anxious above all that Ireland should be a free and an
 “ independent self-governing country—(cheers). And it is because I know by
 “ the history of the past that landlordism in Ireland has ever been the supporter
 “ of alien rule, and because I know that to-day it is the only link which binds us
 “ in that hateful union to England—it is for that reason above all others that I,
 “ at any rate, am here to-day as a Land Leaguer—(cheers). Now, fellow
 “ countrymen, I have said over and over again, and I repeat it here to-day, that
 “ in this movement in Ireland we are only continuing and prolonging the same
 “ old struggle which has never ceased to be waged by Irishmen against foreign
 “ rule in this island. In the old days that movement had other names. In the
 “ old days it was supported by other means, but to-day, on a constitutional
 “ platform, in working for the land, for the people, we, every man of us, are
 “ still continuing the struggle which our forefathers made on the hill-side and
 “ the valley when they laid down their lives for the independence of their
 “ country.”

(The Court adjourned for a short time.)

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My Lords, I have only one other reference to make to the view entertained by those who had known Mr. Davitt's intentions in America, and then two statements made in Mr. Davitt's presence by John Boyle O'Reilly, and which is at page 5683.

"Mr. John Boyle O'Reilly introduced Mr. Michael Davitt and said:—'I remember how, only a year and a half ago, this man came to Boston to meet two or three who had worked in the Irish National field for years, and how he startled them with the new proposition.' I tell you, he said, 'the true base of Irish National movements is the land.'"

My Lords, as I say, that concludes all that at present I propose placing before you, to show the initiation of the movement in America, the declared intention and objects of Mr. Davitt, and of others who became conspicuous leaders in this movement. Also, all that I need refer to at present point out the action of the allied wing of the army that was, my Lords, at this time conducted by John Devoy, General Millen, and Dr. Carroll. We now pass to the action that was taken in this, which I term the land movement in contra-distinction from the Land League after its formal establishment.

We now know, my Lords, to what it was that Mr. Davitt desired to appeal. The result of the consideration, and the thoughts that he had given to this subject, and also apparently the conclusion that he had arrived at, that selfishness was the main spring of all human actions, caused him to determine to appeal to the self-interest of men, and you will find Mr. Davitt taking that view himself, as it is proved he did at page 5742, Question 88,903. It is of course later than the period at which the statement was made; it was made in August 1885. Mr. Davitt, then speaking to a man who was discoursing with him, says:—

"It is true it was a new departure in Irish national effort. The appeals which it addressed to the Irish peasant mind were not born of the exalted patriotism of Thomas Davis, and did not excite to a practice of the virtues of disinterested patriotism. It appealed to self-interest I admit, rather than to self-sacrifice; but who will say that in this instance the end did not justify the teaching, when no other would have aroused the tenant-farming class to an assertion of their unquestioned social rights and a vindication of their despised and trampled manhood."

My Lords, there is the testimony of a witness on this point, a witness to whom I shall have to make future reference, and who has played no small part in the proceedings connected with Irish politics for some years past. I mean Mr. Matthew Harris. I am not now about to express my views with reference to Mr. Matthew Harris except to say that upon such a subject as that which we are now discussing, he is a witness who had ample means of knowledge, and he has, I think, upon such matters as I am now dealing with, placed his views before you Lordships very frankly and very fairly.

At page 6089, question 95,096, Mr. Harris tells your Lordships what must have been known to those who now in the commencement of 1879 were entering upon the first portion of the active campaign. It was in answer to a question put by the President which caused Mr. Harris to make this answer:—

"Yes, of course there is a great deal in what your Lordship says."

The President had pointed out to him and said:—

"I cannot disguise from you that it is a serious question what would be the effect of the language on the people you would address, if it was stronger than you would put in the pamphlet."

You see, Mr. Harris had admitted some of his speeches were of a strong character, which caused the President to make that observation. Then Mr. Harris goes on:—

"Yes, of course there is a great deal in what your Lordship says, but still, even in England here, great popular leaders have found it necessary to appeal to, as I say, even the prejudices of the people in trying to stir them up. Our

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“peasantry in Ireland, my Lord—the farming classes—were in a very dormant, low, enslaved condition, and if we had not worked with great energy and appealed to every feeling and every sentiment that would rouse them up, we could never have brought the Land League beyond the point to which Mr. Butt had brought it in his old dragalong movement.”

Now, my Lords, I would submit to you, that that answer given by Mr. Harris, one who has spent his life mingling and communicating with the small tenant farmers of Ireland, does disclose what was at this time the object of the prime movers in the land movement proceedings. And, my Lords, they had no rising up of a people of which my learned friend, Sir Charles Russell, spoke. They had a dormant class, a class that some of them regarded as being enslaved, because they were so dormant, and this beneficent institution as it had been constructed had to rouse them up, and had to appeal to the selfishness of human interests of which Mr. Davitt had spoken, and to which Mr. Harris makes reference in this answer.

My Lords, I anticipate much more that has to be said when I place side by side with this statement of Mr. Davitt and Mr. Harris, that it was necessary to stir up a dormant peasantry and not to restrain those who were influenced by the distress or sense of wrong to encourage them to action. I place side by side a statement made by Mr. Davitt on another occasion, which I say also gives a key to his conduct, and the conduct of those who were joined with him. It is a statement that is proved at page 5691. It is a speech of Mr. Davitt's made at a somewhat later period, but bearing on this point. It was made at Kansas in America on the 11th September 1880. He first in the opening part of his speech says:—

“In addition to that we have, as you have already been told, declared an unceasing war against landlordism—not a war to call on our people to shoulder the rifle and go out in open field and settle the question that is now agitating Ireland, although I am not opposed to a settlement of that nature providing I could see a chance of success.”

Mr. Davitt uses this language. Then he proceeds:—

“It is a war of ideas rather than a war of blows. We put justice, reason, and common sense against theft, tyranny, and barbarism, and we are going to win in the contest. Already we have more than 100,000 enrolled in the League, and it will be increased to over 300,000, and they represent with their families over 1,000,000 of the people. England cannot afford to keep Ireland in this constant state of unsettlement, and we mean to keep Ireland in that state until England shall banish the landlord system.”

That view, my Lords, you will now find has been imprinted upon the flag that was unfurled at the commencement of this campaign. You will find, as we proceed, that the intention of those who founded the Land League, and the action of those who supported it, have always been for the purpose of keeping Ireland in a state of unsettlement. That is not my assertion or my argument. That is the assertion of Mr. Davitt that Ireland has to be kept by means of the Land League in a state of unsettlement, and when he went forth in the commencement of 1879 he went with that specific object; and your Lordship now knows, if you will allow me to trace the action which caused it, to a great extent, to prove successful, with such object to appeal to the dormant feeling of a peasantry that needed to be aroused to unsettle them, and then keep them in a state of unsettlement, this campaign commenced. I need not remind you the allies were in the field. Devoy was appealing to the farmers and farmers' sons to enroll themselves as members of the Irish Republican Brotherhood. Devoy, a member of the Supreme Council, standing by now with other weapons, entering upon this campaign, he had an opportunity of choosing his own field of action; he chose, for reasons that are obvious, the county of Mayo in which to commence the movement. I say the reasons are obvious, because, in the first place, it was Mr. Davitt's native county; but it was one which, for many reasons, would form the centre of that district to which Mr. Davitt could appeal with the greatest likelihood of success. It was not only Mr. Davitt's native county, but, as your Lordships will see, all those who were primarily associated with him strangely enough were either natives of that county, or came from the immediate neighbourhood of it. Mr. Davitt himself, as he

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has told us, was a Mayo man. Brennan, Patrick Egan, Matthew Harris, Mr. Dillon, Sheridan, Mr. Souden, Malachy Sullivan, Walsh, and Mr. Quinn were also all natives of Mayo, or the district immediately contiguous to it. There were also reasons why Mayo should form the first field of action, reasons I have termed them, somewhat of an economic character. You will find the statement, which I believe is correct, at page 5476, that Mayo at this time contained 30,000 tenant farmers with holdings under 5*l.* annual value.

Of course it would be to those persons that the appeal would have to be made. In one sense they were the most sensitive class to whom this appeal could be addressed, and certainly would be likely to be the most sensitive class that John Devoy, who was operating on behalf of the Irish Republican Brotherhood, could make an appeal to. If this had been a question merely of reduction of rent, I should have thought that this class would not have been the most likely class to influence. May I remind your Lordship of my learned friend Sir Charles Russell's definition of an economic rent. At page 3660 my learned friend, Sir Charles Russell, says :—

“ The rent which is truly the economic rent is a fair proportion of the surplus
 “ proceeds from a given farm after the daily wage of the daily labourer has been
 “ paid, and after there has been at least decent sustenance for the man who, by
 “ his own hand and the hands of his children, tills the land and by his labour gives
 “ it its productive power.”

That is my learned friend's definition of an economic rent. As I said, I am not discussing this speech for the purpose of a dialectical contest with my friend, but may I, as bearing upon the Mayo holders, point out what a *reductio ad absurdum* arises upon this definition of an economic rent. My friend's statement is that a man is to pay no rent until he has supported his wife and family. If so, in the conditions with which we are dealing, I do not suppose any rent can come within this economic theory of my friend's. You cannot in these small holdings of two or three pounds find this sustenance. Yet my friend's view is that the Land League were justified in appealing to these small holders of Mayo never to pay any rent at all until they had supported their wives and families. As far as the landlord is concerned, I should suggest that under these circumstances he would prefer an unmarried tenant to a married man, and perhaps he would make some inquiries as to the extent of the family, so as to bring it within this economic theory of my friend's. But when Mr. Davitt made this appeal to these small holders, he was not appealing to them to obtain a reduction of their rent as the measure of the justice they were to receive upon such principle as my learned friend has laid down. He was appealing to them, in the language of Mr. Parnell, to “ keep a firm grip of their homesteads,” so that—his view being to defeat the landlord system—they might drive away alike good landlord and bad landlord from occupying the position they had previously occupied in relation to those 30,000 men. Now, these 30,000 men had to be appealed to, and they had to be appealed to by Mr. Davitt, appearing to take a constitutional course. You have heard, my learned friend, Sir Charles Russell's account; that this movement sprang naturally, almost automatically, out of distress, and that it was because there was recurrent distress, as my friend has mentioned, that there first came the Land League movement, and, secondly, came the crime. In reference to both those propositions of my learned friend, I will ask you to inquire into the condition of Mayo at the time when this movement commenced. If Mayo was in a state of perfect distress approaching famine, there may be foundation for my friend's argument—the men may have risen—even the dormant peasantry may have themselves been moved into action by combination to stave off the distress; they may even have been moved to crime by that distress. But, if it be true that at this time there was no distress; if at this time the county where this warfare commenced was in circumstances that would not create either combination or crime, then my friend's argument fails. Knowing the necessity of his proving that Mr. Davitt was simply receiving the support of suffering tenants who had appealed to a leader as a people may appeal to a man fit to lead them, my learned friend laboured this point at length—at far greater length than that at which I shall support the converse proposition. He endeavoured by an argument—which in a few minutes I think I can show was fallacious—to establish to you that there was such distress in Mayo and Ireland in 1878 that Land League and crime came into existence, growing by natural process from such sources. My Lord, the course my friend took was to refer to the year 1878, and, taking certain figures derived from the same source

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that I will take mine from, and to endeavour to establish to you that 1878 was a year of such bad harvests that in 1879 it had produced this great distress. Your Lordship will recollect this design was made in 1878. Everything was hatched in 1878, and we are dealing with the commencement of 1879. Well, my Lords, in the commencement of 1879 the condition of the people must be dependent upon the harvests of 1878. The bad harvests that did, no doubt, occur in 1879 could not have produced the distress of the first months of 1879.

At page 3675 my learned friend, Sir Charles Russell, elaborated his propositions; and his first proposition, which he was certainly entitled to dwell upon, was that the cereal crops of Ireland had diminished; and going back to past periods my friend makes a comparison between the years 1851, 1861, 1871, and 1881 to show that the cereal crops had diminished. That is perfectly true. But it had not resulted from bad harvests. It had resulted from the change that was going on in consequence of the causes that I mentioned to your Lordships yesterday, of the fall in the price of cereal crop and the unfitness of the soil of Ireland to produce that crop. There had been a conversion of arable land into pasture; and so whilst that conversion was taking place year by year, and the acreage and area of the arable land was diminished, pasture land increased. The fact is, and I will give your Lordships the reference, that during the time on which my learned friend dwells showing a decrease of the arable land, the value of the cattle reared in Ireland had increased by 10,000,000*l.* in value, of course representing an increase of stock requiring greater pasture land. And as, happily, this more fitting use of the land as pasture was coming into existence, of course you obtain a diminution of the area of the arable land; but that is the whole extent to which the argument goes. The increase in pasture land you will find in Dr. Grimshaw's report to which we have referred at page 342. He gives the increase in the acreage of the pasture land and also the head of cattle. Now the other process my friend applies is this. He takes the year 1876, and using that as a datum line, he then compares the crop of 1878—the outcome of 1878 from the land—and says, Oh, see what a falling off there had been. My friend must have known, and did know—I think, in fact, my friend mentioned it cursorily—that 1876 was the most prosperous year that Ireland has ever known, with the exception, I think, of 1851. Therefore, not comparing 1878 with an average year, but comparing 1878 with the most exceptionally prosperous year, my friend is able triumphantly to say, Why there was a falling off in the crops of 1878. It fell so heavily upon these Mayo farmers that they rise in action, moved by the distress which was existing amongst them. I would first, to support what I have said, refer your Lordship to my friend's argument at page 3674. He there, specifically quoting Dr. Grimshaw, refers to the potato crop, 1876, as being 4,154,000 tons. In 1878 he says the yield was 2,526,000 tons. He says, Look at that falling off, and look what distress that must have produced. But, as I have said, compare that crop of 1878 with the average crop, and you will find that 1878 was an average year throughout Ireland. As to the great prosperity of Ireland in 1876, will your Lordship refer to Grimshaw, pages 326 and 327. Then to show the condition of Ireland at the end of 1878, of course affecting the early spring months of 1879, we have fortunately certain proof. The Registrar-General's return published in the year 1879 says this at page 11:—

“ Though an alarming decrease in the yield of the crops generally in 1879
 “ is exhibited by comparison with 1878, it must be remembered that in the latter
 “ year the harvest was up to the average, and the yield of many of the crops was
 “ above average.”

We have the yield of the crops that existed during the period that report refers to. You will find them in the Registrar-General's report for the year 1878. First you will find them at page 53. The whole statement is contained, fortunately, in a short tabular statement. First, there is the average of all the provinces and the average of the whole of Ireland; and I really cannot do more than refer you to this table. It presents almost the aspect of a logarithm table more than anything else; but if you will refer to the product of the year 1878 for all the different crops—wheat, oats, barley—coming through all the different crops to potatoes and roots of different kinds, your Lordship will find that this is fully an average year. The figures will speak for themselves. I refer you to them. The ton per acre product of hay was the highest

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ever known. There had never been a higher year. The wheat crop is also far above the average. Barley is above the average, and potatoes producing three tons to the acre, are, I think, also more than equal to the average, and compare most favourably with the year 1871, when the product was two tons six; with 1872, when the product was one ton eight-tenths; and 1877, when the product was two tons. So, my Lord, in that most important product in Ireland of potatoes, you had a sum equal to the average, and other crops above the average. That is not unimportant with relation to my friend's argument, which is refuted by these statements of fact. It is not unimportant in judging of the question whether there was excuse for this organisation, except from entirely a political point of view. And generally, I submit to you that at the time when Mr. Davitt went into action he was appealing, as he has admitted, to the interests of men, but not to the necessities of men, and that those necessities did not call him into action, but he approached men who would never have combined if they had not been affected by the agitation that was brought to bear, and that this agitation would have equally been brought to bear if there had been a period as prosperous as 1876 had been. May I not ask you to consider whether that is not so? All this movement has sprung and been developed from the reflections of Mr. Davitt, which terminated on the 19th of December 1877; at least I mean those more passive reflections—enforced passive reflections. What was Mr. Davitt then thinking of, good years or bad years? He was thinking of a political object, and he was in his own mind considering the best means of carrying out that object, and I say if Mr. Davitt's release had been in 1875 instead of 1877 he would have appealed to the Mayo farmers in that most prosperous year of 1876. He would have appealed to them with the same confidence and used the same arguments that he did use when he found himself at large in the years 1878 and 1879.

Such being the condition of Ireland, a word or two only as to the particular condition of Mayo. In the Registrar-General's report for 1878, page 73, your Lordship will find the condition of Mayo. In different districts of Mayo the statements differ, but, on the whole, Mayo must have been in a prosperous condition. There is the district of Ballina—

“The crops in this district are exceptionally good this year, owing chiefly to
“the very favourable weather for farming operations during the season.”

The next is Ballinrobe.

“All the crops in this district this year are up to fair average, save the
“potato crop, which is under the average. The hay crop in Bellmullet is over
“the average. The potato crop is under the average.

“Castlebar.—The very favourable seed season, autumn, and fair growing
“and ripening weather during the summer and prior to harvest time, accounted
“for the good yield of all crops in the west this season. The potatoes are,
“on the whole, a fair crop. Those sown early not so good or large as those
“planted later, the maturer ones having been checked by the incessant rains
“in July.

“Claremorris.—The increase in the yield of the various crops in this district
“is to be attributed, it is believed, to the mildness and geniality of the spring and
“summer seasons.

“Newport.—The quantity of potatoes is of an average, but the quality is
“very inferior.

“In Swineford the yield of potatoes is considered good this year, owing to
“the favourable weather, both for ripening and gathering.

“Westport.—The rates of produce were generally good in this neighbourhood,
“but all kinds of crops suffered severely from rain and high winds in the harvest.
“Hence the actual produce available for use has not been average. There are
“general complaints, especially as to the potato crop, which has suffered from
“blight and wet.”

Then, my Lord, we have one witness who can give your Lordship important testimony as to the condition of Mayo, that is Mr. Loudon. He was closely allied with Mr. Davitt in these Mayo proceedings, and, as your Lordship will recollect, took part in the Irish-town meeting. He tells you at pages 5785 and 5786 that the condition of Mayo was relatively good. He first misunderstood me. He was speaking of Mayo, and he seems

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to think there is no prosperity in Ireland for anyone occupying the position of a tenant farmer. Then your Lordship said to him:—

“That is not the question. You are asked whether they were good years. “Agriculturally speaking were they good years? (A.) The point of view of the “price of cattle regulates it.” (Q.) No. (A.) Well, they were good years. (Q.) “I am speaking relatively as regards crops? (A.) Relatively they were good. “(Q.) May I take it they were all good from 1870 up to and including 1878 or “not? (A.) Yes, I have said so. (Q.) They were all prosperous from 1870 up “to and including 1878? (A.) Yes.”

Then there is one more quotation only from Mr. Loudon, as I am reading his evidence, which I do not regard as immaterial. He tells your Lordship at page 5776 that the bad feeling that had existed between landlords and tenants was gradually dying. He says:—

“I should say that the bad feeling was more intense immediately after the “year 1870,”

(That was in consequence of the Land Act)

“and that probably it began to die out as the years rolled by.”

That is Mr. Loudon's own statement. One cannot help feeling that if it had not been that the word had gone forth that Ireland was to be kept in a state of unsettlement, that if such appeals had not been made to these men—not that they should act to obtain relief from distress, but that they should act in political combination in pursuance of this unsettling policy,—the bad feeling which had existed would, as years rolled by, have died out and gone to their death; and that it has been by artificial action that bad feeling has been restored to life, and has been increased in its growth for the purpose of these men. I said I would give your Lordships the references to the increase of the 10,000,000% in the value of the cattle. It is at page 342 of Dr. Grimshaw's report.

For one moment, still dwelling upon the question of the distinction between the land movement and the Land League, I think we have to discover the formation of the very germ of this movement at a period immediately before April 1879. Your Lordships will recollect that that meeting took place on April 20th, 1879. Mr. Matthew Harris throws some light upon this subject when at page 6056 he is asked:—

“Were you consulted as to the formation of the Land League?—(A.) I was. “(Q.) I do not think you attended the Irishtown meeting, did you? (A.) Yes, “I did. (Q.) Then you are aware of the resolutions proposed there? (A.) Yes. “(Q.) There was a period in which the Land League had not been established, “but in which its principles were acknowledged, between the spring of 1879 “and the autumn of 1879? (A.) Yes. (Q.) Were you consulted during that “period? (A.) Throughout the west of Ireland every principle upon which the “Land League was founded was advocated by our association and published in “all the leading papers in the west of Ireland, so that, previously to the Irish- “town meeting, the foundation was already, as far so principle and advocacy “was concerned, laid of the League itself.”

When we have to look at the effect of this movement upon crime, I am going to ask your Lordship not to accept the hard-and-fast line of my learned friends (as I have termed it), semi act of incorporation of the Land League, but that it was to the movement which had commenced before the Irishtown meeting, the 20th April, according to Mr. Harris, that we have to look for the cause which produced the gradual growth of crime that came into existence during the year 1879.

My Lord, at that Irishtown meeting I cannot give you many speeches. You will recollect the fact was by an accident of missing his train Mr. Davitt was not present. He was answerable for the meeting. He was answerable for the resolutions. It was a meeting which was essentially a Fenian meeting. With the exception of Mr. Loudon and Mr. Ferguson, of Glasgow, every speaker was a Fenian without exception. Your Lordship will find evidence as to this meeting given at page 5763 by Mr. Loudon. The speakers on that occasion were Malachi Sullivan, Matthew Harris, Thomas Brennan, John Ferguson, of Glasgow, and John O'Connor Power, who was then

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member for the county. With the exception of Mr. Ferguson and Mr. Loudon, everyone of those persons was a member of the Fenian association. The responsibility of that meeting was shared principally by Mr. Michael Davitt and John Devoy. We may never quite be able to disclose to you the extent of this alliance between the man who was then in the west of Ireland organising an army of Fenians on the one hand, and Mr. Michael Davitt representing the constitutional wing of the army on the other hand, but here and there proofs of the solidity of the alliance spring up. There was no resolution moved at Irishtown, until it had been submitted to Mr. Devoy. He of course had his terms to exact. He was not going I presume to run the risk of committing acts of treason, or treason-felony, without obtaining the result of the combined action, and so he tells us that these resolutions which had been prepared by Mr. Davitt were submitted to him before they were moved; and at page 2222 Mr. Devoy gives his account of the matter. He says in a letter which he wrote to "United Ireland," which appears in "United Ireland," on the 28th June 1884—

" Mr. Davitt knew that the resolutions passed at Irishtown, Westport, Claremorris, and the other early land meetings before the Land League was formally organised, but which were the real beginning of the movement in Ireland, were written by himself and Mr. Brennan, and submitted to John Devoy prior to being laid before the meetings."

The only proof I have as to what took place at that meeting, as far as regards details, to give to you is in the shape of the resolution. That is found, I think, at page 5763 in Mr. Loudon's evidence.

And this is one of the resolutions:—

" That as the land of Ireland, like that of every other country, was intended by a just and all-providing God for the use and sustenance of those of His people to whom He gave inclination and energies to cultivate and improve it, any system which sanctions its monopoly by a privileged and non-operative class, or assigns its ownership and control to a landlord caste to be used as an instrument of usurious or political self-seeking, demands from every aggrieved Irishman an undying hostility, being flagrantly opposed to the first principles of their humanity."

Then there is another resolution to this effect:—

" Whereas the social condition of the Irish people having been reduced through their subjection to England and its coercive legislation, to a state below that of any civilised country in the world, and whereas the mouthpiece of English public opinion —— "

Then there is a stop in the examination:—

" When speaking of continental misgovernment in late years, have declared that government should be for the good of the governed, and that whatever rulers wilfully and persistently postpone the good of their subjects, either in the harvest of foreign States or to assist theories of religion or politics, such rulers have thereby forfeited all claim to allegiance; be it therefore resolved that we Irishmen assembled to-day in our thousands, do hereby endorse the foregoing declarations as embodying the position and wrongs of our misgoverned and impoverished country, and as likewise affording us a justification for recording our unceasing determination to resort to every lawful means compatible with an outraged civilised people, whereby our unalienable rights, political and social, can be regained from our enemies."

Now, my Lords, I think these resolutions were framed after consideration of the leaders, as I have termed them, of the two wings of the army. There is no declaration open, but there is enough to satisfy the views of the most extreme Nationalist. There was a necessity to make those who supported them come within the League; there was a necessity to keep alive in the minds of those who were referred to the intention of resorting to every possible means—every legal means is the word used—every legal means of carrying out the objects that at that time they certainly had in view.

My Lord, I do not read it, but I will remind your Lordship that Mr. Davitt at 6434 has selected one of the speeches we have not in our possession, I think Mr. Brennan's

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speech in support of the views then expressed. The second meeting we have to deal with is that at Westport, and it is an important meeting, because it is the first time Mr. Parnell appears upon the scene in connexion with the land movement. It is a meeting of the 7th of July 1879. Mr. Parnell was present when Mr. Michael Davitt made his speech. The speech is a speech that is addressed to the Irish Nationalist; men, as Mr. Parnell understood them, of extreme views. Mr. Davitt at that meeting says, according to the proof that is given at page 3974:—

“He would venture to say that there was no Mayo man there who would tell him as a man who had been imprisoned, that he had done anything for which he should apologise before that meeting. He would not, in the presence of the gentlemen upon that platform, commit them nor the meeting by giving his definition of the resolution, and would content himself by leaving it to those present to draw their inference from it.”

That resolution was in these terms:—

“That whereas all political power comes from the people, and the people of Ireland have never ceased to proclaim their right to autonomy we hereby reassert the right of our country to self-government.”

Your Lordships see we get introduced there a declaration of that term self government, which, as we shall see afterwards, was purposely left indefinite.

“They were there to proclaim what was proclaimed in a different way a hundred years ago.”

Mr. Davitt proceeds:—

“A race of savages on the continent of Africa were now showing their right to that principle which was as strong in the Irish heart to-day as it was years ago. Various opinions existed as to whether they should demand their full right of Irish independence or ought to accept some different or medium measure. He (Mr. Davitt) as an Irish Nationalist could not retreat an inch from the position he took up when he represented his right to independence. He called upon the Irish farmers to unite. He had no confidence in the English members who pretended to have sympathy with Ireland. They had expressed that sympathy by oppression, and now, because they could not wipe them off the face of the earth, they were compelled to show a little attention to Irish questions. Why did they do this? Because Mr. Parnell had succeeded in blocking the machinery of the English House of Commons. (*A voice.*) Bad luck to it. (*Mr. Davitt.*) They were there to denounce the landlord system which was like a millstone around the neck of Ireland. They should leave this meeting condemning, not an individual case, but the system itself. It was imposed upon them by the English Government, and the landlords were only filling a territorial garrison. When the day came for a settlement of this question, the Government's duty would be to compensate the Irish landlord. The people would depend upon themselves for the settlement of the Irish land question, and not upon the Irish parliamentary party. As regarded that partly he believed they could count upon their fingers the honest men.”

My Lords, that becomes a political matter; that is spoken, as Mr. Parnell says, in his presence. It is a declaration in favour of course of nationality, and not of the relief of any particular grievance. Then Mr. Davitt admits he made the speech, and that is the resolution. With reference to this Westport meeting, we have to note that immediately before it took place there had been an objection made to it in very strong terms by Archbishop McHall. It is said now that letter which was written, and which was called to Mr. Parnell's attention, was not written by that very reverend prelate himself. I really cannot discuss or know how that may be, but the importance of that letter, which your Lordships will probably have in your mind, will be to call your attention to the fact that at that time armed bands of men were at work supporting this movement according to the view of the writer of that letter. You will find at page 3973 the Archbishop of Tuam in that letter, the meeting being on the 7th, the letter being on the 5th, says:—

“In a telegraphic message exhibited towards the end of last week in a public room of this town, an Irish member of Parliament has unwittingly expressed his readiness to attend a meeting convened in a mysterious and disorderly

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“ manner, which is to be held, it seems, at Westport on Sunday next. Of the
 “ sympathy of the Catholic clergy for the rackrented tenantry of Ireland and of
 “ their willingness to co-operate earnestly in redressing their grievances,
 “ abundant evidence exists in historic Mayo as elsewhere. But night patrolling,
 “ acts and words of menace, with arms in hand, the profanation of what is most
 “ sacred in religion—all the result of lawless and occult association, eminently
 “ merit the solemn condemnation of the ministers of religion as directly tending
 “ to impiety and disorder in church and in society. Against such combinations
 “ in the diocese, organised by a few designing men, who instead of the well-being
 “ of the community seek only to promote personal interests, the faithful clergy
 “ will not fail to raise their warning voices; and to point out to the people that
 “ unhallowed combinations lead invariably to disaster and to the firmer rivetting
 “ of the chains by which we are unhappily bound as a subordinate people to a
 “ dominant race. I remain, dear sir, faithfully yours, John, Archbishop of
 “ Tuam.”

My Lords, when we look, as we shall have to look, at the existence of crime previous to this time in 1879, it will not be unimportant to remark that here is a record, from the highest source I am sure affecting the views, and meeting with respect from the mass of the Irish people in Mayo, a statement that there had been night patrolling and acts and words of menace connected at least, as the Archbishop of Tuam thought, with this movement which was finding assistance from the coming meeting on the 7th June at Westport. And it is important to notice, not that we should set up here the opinion of any individual, but it is an express notice to those who were carrying on this movement, that that crime which I shall show to you was the movement proceeded steadily increasing from day to day, this night patrolling, these acts and words and menaces were connected with this movement. What I shall have to ask you to determine will be, whether with such a notice, given to the men who were responsible for what was taking place in this movement, there did not lie upon them also the obligation of taking the fullest care that every precaution should be employed to stop these acts and to see that no words should be used to encourage the men who were commencing the career of crime that unfortunately has gone through Mayo and the surrounding counties. The meeting, as I have said, at Westport on June the 7th was a meeting when there was a resolution for Nationality and a speech for Nationality by Mr. Davitt. There was also a speech made in Mr. Parnell's presence by Malachi Sullivan in which Mr. Sullivan with Mr. Davitt and Mr. Parnell present—at page 3974 we find the report is dealing with the effect of moral and physical force. He points out that moral power becomes strong by physical force being behind; and there again, of course, was a sentiment exactly in accordance with the thoughts the words of the two classes of men who are now moving certainly on parallel lines—probably in closer means of communication than is represented by parallel lines—but here are the two sections—Davitt was apparently leading in the open movement, and Devoy was organising secretly for the purpose. Here is the expression spoken in the ears of representatives of both these wings of the allied army, namely, that moral force found its strength only from the physical force and was favouring it.

I can pass over this meeting of Westport on the 7th June—Milltown and Claremorris following one after the other. They are meetings, as Mr. Davitt tells us at page 2848—at least the statement appears that several meetings followed, carried on chiefly by Nationalists of Mayo, and it was to these Nationalists or Fenians of Mayo that belonged the credit of having, as Mr. Davitt said, kept alive the agitation in Mayo at this time. It is a description of Mr. Davitt given, as I say at page 2848, where he says several meetings followed, carried on chiefly by the Nationalists of Mayo. I do not mean by them as a society, but as individuals. To them justly belongs the credit of having kept the land agitation alive at this time in Mayo.

“ The next large meeting was at Mayo.

“ And it was then that Mr. Parnell and I first stood upon the platform
 “ together in Ireland. At that meeting, too, Mr. Parnell first gave utterance to
 “ the saying, which is now a household word in Ireland: ‘Keep a firm grip of
 “ your homesteads’—and I used the words, ‘the land for the people.’ ”

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Then, my Lords, he refers to the Archbishop of Tuam's letter, and he refers also to the meeting at Milltown, at which he says there were 20,000, 4,000 being on horseback, which you will recollect had been one of the incidents—men with green ribbons, green being one of the emblems of the Fenian meeting in the old time. There is also a statement as to the constitution of the meeting by Mr. Davitt at page 5575. He is endeavouring to combat the fact that the Fenian organisation had nothing whatever to do with the meeting, and he said—

“Nothing whatever, but—(Q.) I presume individual members had. (A.)
 “Yes, local farmers; there were not many of them in Mayo, I think. I think
 “the farmers and the farmers' sons took part in organising that meeting and
 “subsequent meetings.”

That agrees with the statement that we have from John Devoy's report that the farmers and the farmer's sons were the men who were being enrolled as Fenians. These meetings formed without doubt the commencement of the movement. Mr. Dillon in these speeches at page 395 speaks of the Land League movement.

(The President.) What year?

(Sir Henry James.) The 17th of October 1880.

“I remember a short year ago, when this banner was first raised in my native
 “country, the county Mayo, in the town of Claremorris.”

Then he rejoices at being found where the banner was raised, and speaking of the cause, he says—

“It is a cause which the Irish Nationalist can go into, because its object is to
 “break down and defeat the English garrison which holds this country for
 “England. Its object is to clear the path for Irish Nationality by emancipating
 “all the people of Ireland from the control of English landlordism and settling
 “them in their own homes as free men.”

And then I do not want to trouble your Lordship more in detail to show that this movement is the initial movement from which we are to trace the results from causes. Mr. Parnell, in his interview afterwards with Mr. Ives, speaks of the movement that commenced in Irishtown. The evidence I am referring to is given at page 480, and he said:—

“The land agitation was started by Mr. Davitt in April last, the date of the
 “Irish meeting has been the commencement of the whole of this movement.”

Now I refer to this incident to show that the Land League movement commenced before the Land League first came into actual existence as a combination. My object in doing so is for the purpose of showing to your Lordships when we discuss the character of the crime that came into existence, that we can trace even at the time of this movement, imperfect as it was. I think it right to use Mr. Parnell's phrase in certain counties, we can trace crime slowly increasing at this period. And then afterwards as the Land League obtained greater power, and obtained a more complete *status* amongst the people we can trace the fuller development of the crime that was produced by the League.

I do not trouble you with dwelling upon the action of the men who were then at work. They were, I think, all of them Fenians. The leaders of them, Mr. Brennan, we find was actually engaged in western meetings. That is proved at question 86,842.

Mr. Matthew Harris was at work is proved at question 87,756. Mr. P. W. Nally was persuaded to join, as proved at 87,792. On May, June, and July Devoy is visiting Mayo and Claremorris, as is specially proved at 87,882, and, my Lord, we have it that these meetings were mainly confined to Mayo until August 1879, then afterwards spreading into the counties of Galway and Sligo. That is an important question as to the area over which its influence was exercised and carried on is established by Mr. Davitt's evidence, page 5575:—

“I think through the summer and the latter part of 1879 you had several
 “other meetings on the same question of the agrarian movement?—(A.) Yes,
 “the meetings were confined almost entirely to Mayo until about August of
 “1879, then they spread into the counties of Galway and Sligo, and went all over
 “Ireland shortly after.”

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And now, my Lords, the effect is that Mr. Parnell by these means obtains two great results at a period that will be found as far, as the evidence refers to it, to be shortly after the Castlebar Convention, and, therefore, will be towards the end of August 1879. Mr. Parnell is reluctantly—I use that term, I think, rightly—reluctantly persuaded to join the Land League movement. I shall have to refer to this matter again, but the reason of that reluctance bears strongly upon subsequent events. It seems that it had been pointed out to Mr. Parnell, either by Mr. Butt, or some one else—I think it was by Mr. Butt—that there was great difficulty in establishing a central organisation. If he did so, they reminded him, by applying the rules affecting agency, and they become answerable for the act of its branches. Mr. Parnell, acting, as my learned friend, Sir Charles Russell, said, from that caution, had listened to that suggestion, and apparently he had lingered on his way in joining the Land League; and it was only when events pressed upon him the views of Mr. Davitt, in conjunction with Mr. Devoy, were brought to his notice, that at length the desirability of taking advantage of the movement that was going on seemed to come home to him, and he agreed again, with reluctance, to enter upon this movement.

This is Mr. Parnell's view, expressed at page 3884:—

“(Q.) Prior to that meeting of the 21st October, was the formation of a league a matter of discussion between you and Mr. Davitt?—(A.) Yes, we had several discussions about it. (Q.) What was Mr. Davitt's view, and what was yours? (A.) Mr. Davitt was very anxious that the Land League should be formed, and that the tenants should be supported by an agrarian movement. I had in my mind advice given to me by Mr. Butt, one or two years previously, when I pressed upon him the extension of the Home Rule movement by the formation of branches through the country. He said, looking at it from a lawyer's point of view, that we should be made responsible for every foolish thing done by the members of the branches. I was rather disinclined to entertain the idea of the formation of an extensive agrarian movement on account of that caution which I received from Mr. Butt. (Q.) But ultimately you acceded to Mr. Davitt's views? (A.) Ultimately I saw that it was necessary for us to take the risk.”

The contrast between this statement by Mr. Parnell, and what I have termed his reluctance, and the statement by Mr. Davitt at page 5582, seem to be almost in accord substantially. Mr. Davitt's account, after the convention at Castlebar, when the National League of Mayo was organised, is—

“I met Mr. Parnell, I think, in Dublin, but I am not sure. It possibly may have been in London. I had a long talk with him as to the advisability of establishing a land league for Ireland. He strongly objected, and represented to me what he said here in this witness-box, that he did not like the idea of an extensive organisation which would probably break away from the control of himself and others; and he thought a small committee of representative men meeting occasionally in Dublin, and encouraging local organisations like that of Mayo would serve the purpose. However, subsequently, at a meeting, I think, with him at his own house in Avondale, he agreed to invite representative land reformers and Nationalists from all parts of Ireland to a conference in Dublin. This conference was held on the 22nd of October, and the Land League of Ireland was organised.”

Now, my Lord, we have here very plainly before us the views both of Mr. Davitt and Mr. Parnell. For the reason I gave your Lordships yesterday, Mr. Davitt, whose objects were political, had only, as things by the way, to do with farmers' distress, or the position the tenant held to the landlord. He had nothing to do with local action. For effecting the political purposes he had in view, he required one central and one controlling authority.

Mr. Davitt would have been satisfied with nothing else, and he had been working then during 1878 and 1879 to effect that object. On the other hand Mr. Parnell had been cautioned by one whose advice certainly would have been founded upon a long political experience. Mr. Butt, who had pointed out to him the very danger that has been proved to be true, and the actual cause of terrible events. He had pointed

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out to him that if you, acting from a central body, if you delegate to comparatively irresponsible men—to the rank and file of your organisation the right and the power of individual action you would become not only legally but morally responsible for the acts of those men, and here comes in the wisdom of Mr. Butt. Here comes now, my Lords, the warning that was given to Mr. Parnell, not as many warnings are given after events, but before events, for when the coat was taken off to which he referred in this action he was told that in the course he was about to take that danger would be run of being held by public opinion, and I hope by his own conscience too, answerable and responsible for the acts of men to whom you gave that great power, and yet a power you could not control, and so, my Lords, as I say, Mr. Parnell lingered by the way, trying to solve these difficulties, and in trying to see whether, with safety, he could enter upon this enterprise, he at last with simply the knowledge that Mr. Davitt entertained the views that he has expressed without fear before you—the view or feeling willing to return if necessary to Fenianism action, knowing that the men who had been acting with him, Brennan, Egan, and others were all Fenians, knowing that Devoy had shared the counsel and the action by virtue of the alliance with Davitt in the proceedings that had taken place, Mr. Parnell, I say, without asking for one guarantee from any person so as to mitigate the danger which had been placed before him, without taking one step for devising any method, rule, plan, or order in relation to those branches that were to be established, which for the most part acted as I say, and I think I am too much diminishing his position as a figurehead in this matter, he handed himself over, the party he represented, the Parliamentary, the Constitutional party, he handed them over into the hands of this combination of persons, and he gave to the Fenians alike the power in the first place of designing the method of their plan, and then of carrying it out, leaving the power of that action entirely in their hands. My Lords, such was one of the results that Mr. Davitt had attained. It was because such things as those were in my mind, that I said we must regard Mr. Michael Davitt as the actor from the moment when his mind during his incarceration had dwelt upon those circumstances, down to the latest time which we are considering, we must hold him responsible for these events. It was because we could recognise in the step after step the power he was exercising, and because from the taking of such steps, the final results were required to be dark.

One other great step Mr. Davitt took, he had secured Mr. Parnell, and it was not one individual he had secured, but he had secured Mr. Parnell with all his Parliamentary influence; he had secured him with a following which was not at that time so numerous as it is now, but which was equally devoted; he secured in Mr. Parnell's person that which represented the Irish Parliamentary party, and with him not only of course the individuals who were attached to him, but also the influence that they could exercise in their different constituencies—the influence they could exercise by virtue of their name and position throughout the whole of Ireland. But, my Lords, that would not have been enough. The farmers and the farmers' sons, the young men who had in the past time represented physical force, the men, and the descendants of the men who had represented the secret societies of which Sir George Cornwall Lewis had been writing; their support had to be secured too; and it may have been a satisfactory moment to Mr. Davitt, who, my Lords, one cannot help feeling was earnestly and according to his own view, honestly supporting the demands, and the object which he had set himself to achieve, when he was able to write, as he did in relation to the period of September 1879, and when he is able to boast, and I should presume proudly to boast, that he had secured the alliance of the active Nationalists. We know how these had been secured, for they had held aloof in January 1879, they had been approached, and the leaders had refused an alliance with Mr. Davitt open constitutional action. Time had passed, and influences had been at work. John Devoy's letter, we are told by Mr. Davitt, had affected, if not the leaders, the rank and file; but Mr. Davitt, and Mr. Devoy also, had visited these leaders, and that strong will of Michael Davitt had been exercised over these, the weaker men, and he had brought them, with the strength and force of his opinion, he had brought them into line; and you can understand how much the power of Michael Davitt would be assisted when he could point to John Devoy, the man who had placed, if not his life, at least his liberty, in danger by treasonable acts during this period of 1879; when he could point to him as one of those who, active in support, as he was, of the physical force movement, still was urging the Nationalist leaders actually to combine with Michael Davitt on this right and constitutional wing

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of his army. So I say Mr. Davitt, having secured, at the end of August, the assistance of Mr. Parnell, is able then, also in September, to announce that he has brought into line with Mr. Parnell the extreme Nationalists of Ireland. Your Lordships will recollect that, at page 5666, he wrote a letter, dated the 10th September 1879, to Mr. John Boyle O'Reilly, as follows :—

“ My Dear O'Reilly, I am sending you an article for the “Pilot” on the
 “ next phase of the National Land Movement. This land agitation is destined
 “ to do more for Ireland than all the movements since '98. The entire country
 “ has accepted the proposal for abolishing landlordism. All the known and active
 “ Nationals will combine. A convention is shortly to be summoned, which will
 “ endeavour to arouse the healthy Irish-Americans to a generous appreciation
 “ of what this rational movement demands at their hands, if they care anything
 “ at all for Ireland. Hoping yourself and family are as well as I would wish,
 “ I am, sincerely yours, Michael Davitt.”

And, my Lords, a little lower down he says :—

“ I believed enthusiastically at the time in the movement that was started in
 “ Mayo.”

Now, what does this letter mean? The entire country has accepted the proposal “not for establishing that body, or which my friend Sir Charles Russell seemed to delight to dwell upon, namely, the charitable institution as I term it;” but a proposal had been accepted for abolishing landlordism. “The entire country has accepted that proposal. All the known and active Nationalists will combine.” That view is confirmed also by Mr. O'Kelly, at page 6042. He says, speaking of this time, that the “great number of Fenians had come into us, and we regarded those Fenians who had come into us as the very best kind of Fenians.”

It was an agreement in that respect with Mr. Davitt. Well now, the path is to be trodden onwards. Mr. Parnell has come into line. The leading Nationalists have accepted the proposal for abolishing landlordism, not upon the merit of that question only, but accepted the proposal to abolish landlordism, because in driving out the English garrison you advance one step nearer towards obtaining separation. And then, my Lord, comes the statement that a convention is shortly to be summoned. Well, we know what that convention represents. It represents the meeting that took place in Dublin on the 21st of October, which was the meeting that was attended by Mr. Parnell, attended by those others to whom I shall have to refer, and represents, of course, the formation of the Land League. Before I deal with that meeting there is one circumstance to which I must make reference, and which is material because it directly goes to support one of the allegations in the case of *O'Donnell v. Walter*, and also in *Parnellism and Crime*. I shall have, of course, to show how these allegations have been supported—I mean that allegation that refers to the support of this Land League—how the movement sprung from Fenian brains, and, reared with Fenian hands also, how it was supported by Fenian money. My Lord, it has been said indignantly that that assertion that the Land League came into existence by virtue of support of Fenian money is untrue and unfounded. As the event that proved the allegation to be correct occurred prior to the meeting in Dublin in October, and occurred in the month of August, it will be more convenient that I should refer to it now than have to return to it. Therefore, very briefly I will refer to it. I am about to accept again—I am very glad to do so—Mr. Davitt's statement in respect to this money. Mr. Davitt somewhat—I will not say unnaturally—but he somewhat sharply objected to the term “loan” being applied to the transaction. I do not know that Mr. Davitt need object to it. I am sure that those who applied it had nothing in their minds. They had not any suggestion of anything in their minds, but what Mr. Davitt has been all through his public life perfectly free from receiving any moneys or any advantage, or been in the slightest affected or influenced thereby. But Mr. Davitt was without personal resources, and it was he who was anxious that this movement should be supported. In the month of August, finding that there were no funds at its disposal, he had to appeal to some one for money. I am taking Mr. Davitt's account. He says that his desire was to deliver some lectures on a lecturing tour to be able to earn some money, most fairly from that point of view, by lecturing, and that then he should be able to devote such money to the furtherance of such movement. Of course, it may have been before or after, I know not.

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Mr. Parnell's acquiescence in the movement, but certainly it is in the same month, he is applying to those in America who would be likely to aid him, to afford him an opportunity of obtaining this money. I think that represents Mr. Davitt's statement. Mr. Davitt's account of this matter is to be found at page 5575.

"Do you recollect that towards the end of the autumn—not the end but the autumn of 1879, or somewhere about that time, you were getting pretty well towards the end of your resources?—(A.) Yes. (Q.) What steps did you take?—(A.) I wrote to personal friends in America whose acquaintance I had made on my first visit, John Boyle O'Reilly, the editor of the 'Boston Pilot,' the late Patrick Mahon of Rochester, John Devoy, who was then on the 'New York Herald,' and Mr. William Carroll of Philadelphia, and Mr. Patrick Ford. (Q.) Patrick Ford of the 'Irish World'?—(A.) Yes, I represented to them that this movement had then been started and promised to be a beneficial movement. (*The Attorney-General.*) Have you got a copy of the letter Mr. Davitt?—(A.) I have not, Mr. Attorney. I represented that my funds had been exhausted, and I was anxious to go to America on another lecturing tour, and to explain what this agitation was and what I thought it would do for the country——"

Sir Charles Russell is examining Mr. Davitt, and he says—

"I should just like to ask you a question here about these people. I shall have to ask you a little later on about others. You say Mr. John Devoy was then on the well-known paper?—(A.) On the editorial staff of the 'New York Herald' (Q.) Mr. Patrick Ford was editor of the 'Irish World.'"

and then he describes Mr. Mahon of Rochester, and Mr. Boyle and Reilly as a member of the Conservative section.

"What were the results of this appeal or request that you made?—(A.) The result was that I got a letter from, I think, Patrick Ford, saying that the trustees of a fund which had been known as the 'Skirmishing,' Fund but which was then known as the National Fund had resolved to send me a sum of money in order that I might stay in Ireland, carry on this work of agitation, and not proceed to America. This was altogether unexpected because I had not asked for any money whatever. Following the letter that I got from Mr. John Devoy ——"

And then Sir Charles Russell says—

"I do not quite follow you. You said you had not asked for any money whatever. I do not understand that?—(A.) I had not asked for any money to be sent to me by any individual or from anybody in America. I simply asked that these gentlemen should help me if I went out on a lecturing tour to get some funds to keep this movement going in Ireland. Following the receipt of this letter from Patrick Ford came one from John Devoy with I think 200l., and then there was a subsequent sum of 108l. or 208l. sent to me, altogether 408l. I think."

Now, my Lords, there has been great controversy upon this subject which appear to be, with submission to you, rather a play upon words than representing anything substantial. It has been said in controversy that the Land League did not receive this money. Well, no one cares to say it did, because we are dealing with the events of August, and the meeting at Dublin did not take place till the 21st October. The question is whether the Land League movement, whether the events that caused the Land League to come into existence, were not supported by this money. The Land League of course did not spring into existence in a single hour. You had of course to build up your movement, to lay the foundation for the Land League, and whilst you were laying those foundations, money had to be expended, and if the foundations had not been laid, and the money expended, there never would have been any Land League in existence. For the purpose of laying those foundations, for the purpose of carrying on the movement, money being required, Mr. Michael Davitt sought to obtain this money. He says so. I sought it for what? The agitation that was going on in Mayo, the agitation going on, rather I should say in August; but it was

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that agitation to which Mr. Parnell traces the formation of the Land League, commencing in Mayo. It was that movement of which Mr. Dillon spoke. It was that movement which would alone enable Mr. Davitt to say that all the Nationalists had joined, and that he had secured too the alliance of Mr. Parnell. And so, my Lords, this money was applied certainly (at least I believe it to have been) by Mr. Davitt truly enough to the purposes of the movement. He explains what they were; some expenses of one of the gentlemen who was taking a leading part, I think Mr. Harris; some disbursement in respect to literature; some relief to men who were suffering, and probably, I should say, none of it adhering to Mr. Davitt himself. This money was the money which went to the movement. It was the money, without which, it may be, the movement would have come to an end. It was necessary, according to Mr. Davitt's views, for the support of the movement, and he obtained it for that purpose, and for that purpose only. Well, but then what is it that is complained of? That the money came from Fenians. My Lord, hereafter I shall have to show to your Lordship the identity of the Clan-na-Gael or the United Brotherhood with the Irish Republican Brotherhood in Ireland; but there is an intensity of fact in respect to the source from which this money came. Every one of the persons (at least, I believe so) to whom he applied were members of the extreme or revolutionary party, meaning thereby the Clan-na-Gael in America. That is comparatively immaterial. When Patrick Ford sent this money, he sent it accompanied by a statement in the letter he wrote that it came from the Skirmishing Fund. The trustees of the Skirmishing Fund, within the obligations of their trust, advanced it. That money had been collected, as we know now, for the purpose of striking hardly and home against England whenever opportunity arose. It had been subscribed for the purpose of laying her great towns in ashes if it could safely be done. It had been subscribed for the purpose of destroying buildings and taking life if such was the case, and the consequences would be as nothing—the consequences which humanity and mankind would consider—if only harm could be done to this country. And from that fund Mr. Patrick Ford tells Mr. Davitt this money came, at a time when he knew what the Skirmishing Fund was, when he knew the purposes for which it had been subscribed. From that fund came this same money, by which the Land League movement was maintained. It brought the Land League itself into existence. It was from that fund Patrick Ford sent it, and it was from that fund that Mr. Michael Davitt was willing to take it.

My Lords, these facts, as I say, are not facts that have been now suggested by those who have been so grievously attacked for laying bare the truth. They are the simple facts, and the simple statements of Mr. Davitt himself. I have read his evidence. He tells you that Mr. Patrick Ford announced to him that the money was not assistance rendered by private individuals who from their position in America, from the means at their disposal, from their feelings of friendship to Mr. Davitt, or from their sympathy with the movement had found money for themselves. He tells him that the trustees of the Skirmishing Fund had, within I presume the duty of their trust, devoted this money to the object, that is the formation of the Land League, or the continuance of the movement, as being one of the objects which would bring destruction to this country, and would hurt and harm those people against whom then, this land movement was endeavouring to fight.

My Lords, there is one other matter in connexion with this Skirmishing Fund which now we know. John Devoy was one of the men that sent this money to Mr. Michael Davitt; he was a party to sending it. The hand was Patrick Ford's, but the money came with the assistance of John Devoy. From that same fund we now know that John Devoy had been drawing money (\$17,000 had been drawn late in 1878, or early in 1879) for the purpose of arming the people of Ireland; for the purpose of sending to them rifles and revolvers and ammunition; for the purpose of organising them, and bringing them into actual array. These are the two different methods:—Supply to be granted for open war; supply to be granted to the Irish Republican Brotherhood to strike of course hard against England, and against the Government of the land; supply to be voted to the other wing of the same army, to Mr. Michael Davitt to support the movement; supply coming from the one source, clearly the central fund that had been subscribed by willing subscribers with a knowledge that the money they gave was to be used for purposes of attack, and purposes of destruction. And then the money that was so willingly given, with the object of the

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subscribers in view, was willingly received, was devoted for the purpose, as Mr. Davitt has stated, of carrying on this movement till it received a successful consummation on October 21 when the Land League was founded.

My Lord, we have now shown step by step that Fenian brains designed, that Fenian hands reared, that Fenian money started the formation of the Land League; and now my Lord briefly enough I am happy to say, we can now look at who were the men that now appeared upon the scene, and we can look also at the avowed objects, which my learned friend Sir Charles Russell urges you to look alone at—the avowed objects of the Land League. I can well understand that as soon as it was announced that Mr. Parnell was to appear at that meeting, as soon as it was announced that other Members of Parliament (I could refer to Mr. Biggar and others who had faithfully supported Mr. Parnell in the Parliamentary contests between 1874 and 1879) were about to appear at that meeting many men would gather there. There were many men who would gather there to whom the avowed objects only would be presented. There would be gathered there I presume men who if told of that which was only to be told, which was to be on the surface, would not have sufficient knowledge of the law of combination and conspiracy to know that they were acting in any way illegally. If there were men who thought, as Archbishop Walsh thought, that the Land League was only a tenants' league, or tenants' defence association; if there were men who were willing to act as some of the Catholic clergy would act,—I would take Father O'Donovan as a unique instance: who did act—I could understand that they, prompted with many a feeling of good and charity towards their countrymen, might at this time, which undoubtedly was a time of distress, feel that they were only following the lead of one who had come to be regarded by many as the leader of the Irish people in doing work of good, in gathering upon that platform. But, my Lords, these men were standing, as I say, without knowledge and without communication made to them, and whilst they stood in a crowd of men, many of whom can fairly be pointed to as not being rebels against the authority of Government—men who may be actuated by good motives—these really formed the mere outlying fringe of the real body which was gathered there. It was an ornamental process that was gone through when names were paraded and these open resolutions moved. But what we have to look at is, into whose hands did the power of the Land League go? We shall see, my Lord, that even Mr. Parnell had very little to do with these matters. He had not designed the Land League. He had been reluctantly attracted to it, and reluctantly drawn into it; and the people who had so drawn him into it, who had so brought him into alliance with the more active wing of this allied army, were careful that the real power should rest with them. And I will show you that those who represented the executive of this Land League, so as to be able to control its operations, were, almost without exception, Fenians who had taken, as we shall see, this Fenian oath; who had been acting in accordance with Fenian principles, and from first to last your Lordships will see that the substantial power rested, and rested alone with a few men whom I have already spoken of as men of strong will and earnest purpose, with one object in view, and that was the object of using if they could, the physical force portion of the army. They did not do so it is true. Policy, prudence, the terms of the alliance, all kept them back. All that was wanting was the opportunity and the right moment for action. And thus, proceeding to act in accordance with the terms of the agreement which had been come to, they presented, no doubt, to the public an appearance which was merely a cloak, whilst underneath that cloak, the acts that were taking place, which, as I will show your Lordships, they controlled from beginning to end, that is to say, the acts of the Land League, when brought to bear on the people of Ireland, compelled them to submit, not only to an abstract reign, but to a very government of terror and a government of intimidation.

My Lord, I will support what I have said. Who were the men who worked this League? Before referring to the executive, I would come to the substance of the matter. We get the truth of what is done in a letter which is on page 1928. There is a letter on that page of which I do not know the date as to time, but it is dated as to place "83 Amien Street, Dublin, Monday." It is a letter from Mr. Davitt to Mr. Michael Harris, and your Lordship will probably have noted a considerable amount of agreement of opinion, and also in action certainly up to a certain period of time, between Mr. Davitt and Mr. Louden, both Mayo men, and certainly as you will see Mr. Louden was called here by Davitt as a witness, but not by any of the

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SIR HENRY JAMES.

[Continued.]

other defendants, and many other facts which have occurred in the case, I think, tend to show Mr. Loudon and Mr. Davitt have always acted in agreement.

If you have the print there are many erasures, it seems to be a facsimile copy.

That letter from Mr. Davitt to Mr. Harris says:—

“Parnell, Loudon, and myself agreed upon the following list and objects last night—we were in a doubt about the use of Power’s name—it would meet with opposition in America.”

Mr. O’Connor Power represented Mayo, but there was reference to him in Mayo as having put forward a federal view which would not meet with favour from the Nationalists.

“But how to ignore him in such a representative list would be impossible. the Home Rulers are ashamed at the success of our land movement, and being forced into an acceptance of our platform, they will of course endeavour to use it for their own project. But with Parnell acting honestly, and ourselves as a Vigilance Committee to watch them, I think it would be difficult to turn the Land Movement from its legitimate purpose.”

Now your Lordship knows what that is.

“Give your opinion. Parnell or Finnegan is to communicate with each of the names on the enclosed list and obtaining their sanction to an appeal to wealthy Irish-Americans and others to be then made by the *National Land League* for support. Hoping Mrs. Harris and the family are well, I am, yours sincerely, M. Davitt.”

Now that letter, I submit to you, was probably written shortly before the meeting of the 21st October. There is a postscript.

“William O’Brien will do immense service by his letters from the West. That in to-day’s ‘Freeman’ is excellent. The strollers are triumphing all along the line; your old opponent Robinson has written to advise our Mayo platform constitutional brigandage is now in turn for landlordism.”

Then comes this even more important letter. It is a letter shortly after the formation of the Land League on the 28th January 1880. It is signed by Malachi O’Sullivan, a name we have frequently heard of. He was assistant secretary to the League. I think we have proof he was a Fenian. I am not sure about that. Delaney swore he was a Fenian. This is his account, knowing what is going on.

“My dear Mr. Harris, I fear very much I have got into a very narrow-minded set of men here. They are honest and earnest enough, but they want broad views. In fact, though they are flashy they have very little capacity. There is a little circle, Egan, Davitt, Brennan, with a few others in the town, that work with themselves. No person knows what they are about, what objects they have in view. They are all to themselves. I am not in the confidence of the ring. They are furious with me for writing that little letter in the ‘Freeman.’ It would interfere with their own plans whatever they were, but faith I told Brennan very quietly that if he thought there was anything wrong in the letter to bring it before the meeting of the committee and I would answer for my own act. There was not a word about it before the committee, who all thought the letter a very proper one as far as I could discover from conversation with some of them, of course I did not tell everyone that Brennan, Davitt, and Egan were vexed about it.

“While I am willing to go any length to support the principle of Irish independence in its extremest form, I am not going to be led by the nose by a little clique bereft of judgement or capacity. I do not know what private object these men wish to serve. If it is to return Egan and a few others, and get themselves returned to have the opportunity of declining becoming M.P.’s why damn them, no man would support them more earnestly than I would or than you would. They look upon both of us as being the very same. They cannot move us one inch further than we see it judicious to go. They are all in the present without an eye to the past or the future, and so sure as you live I fear much this agitation will result in nothing, for it has too much splashing work, puffing in newspapers, mob oratory, parade, work which school-boys would do just as well, if not better, and no practical organisation. Do you see in America how Parnell has gone on the lines of your letter to Kichham in the ‘Irishman’ long ago?”

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[Continued.]

Mr. Parnell was in America at this time.

“ They throw the whole credit of whatever is done on Devoy, Davitt, and “ Parnell.”

I do not say but what that was rightly thrown. I do not know that there is anything more in this letter which I need refer to. Of course, the point is that at this time, according to one who was assistant secretary to the League, if I recollect rightly, Michael O’Sullivan, the persons who were really and truly acting in charge of the League interests were the three persons—Egan, Brennan, and Mr. Davitt.

Now we come to those who were put forward to the public. There appeared upon the executive, openly stated, of course, Mr. Parnell, and with him went Mr. Biggar, who has been standing by his side.

(*The President.*) At what page is this.

(*Sir H. James.*) I think you will find it at page 3688 of Sir Charles Russell’s speech. My friend, Sir Charles Russell, reads the document at page 3688. The list, of course, of the executive had to contain the names of the Parliamentary section. There was Mr. Parnell, Mr. Biggar, and a gentleman who, I believe, is now dead, Mr. W. H. O’Sullivan, but who certainly, my Lord, was held in considerable respect by those who knew him in the House of Commons. This is not the Mr. Malachi O’Sullivan.

(*The President.*) I am under the impression I have seen him before me as counsel.

(*Sir H. James.*) No, my Lord, that is Mr. Alexander Sullivan. He also was much regretted by many of us. He is dead. This gentleman was a member for the co. of Limerick, if I remember rightly. He is remembered by many of us as a gentleman of very genial presence in the House of Commons, but he is quite apart from Mr. A. M. Sullivan. This is W. H. O’Sullivan. Then come the real actors, Patrick Egan, Mr. Kettle, Mr. Davitt, and Mr. Thomas Brennan.

Now we shall see, this being the executive government, that Mr. Parnell as he tells us (it is not my statement) interfered but little in the affairs of the League. I shall have to show how he says he relied upon Mr. Egan for advice as to organisers and as to other matters too. His Parliamentary duties kept him away.

Then, my Lord, we come to the second distinguished name, Mr. Biggar, who, I have every reason to say, for some cause or other, knew nothing whatever about the affairs of the League. I regard Mr. Biggar as a gentleman of great intelligence and very retentive memory. But it is strange that when he had to be cross-examined by me, and when I endeavoured to make my questions refer only to most relevant and pertinent matters affecting the League Mr. Biggar, was remarkably ignorant. I have counted the occasions on which Mr. Biggar told me that he did not remember or did not know, and I was going to say that since the year 1820 there is no witness who has ever said he did not remember so often as Mr. Biggar said it upon that occasion. But I do not know why I should put any limitation of time, because in a comparatively short cross-examination upon relevant matter, Mr. Biggar informed me exactly 144 times that he either did not know or remember most important matters connected with the League. Accepting for the moment this amount of information conveyed to a mind of so much intelligence, and, as I say, such considerable memory, I will assume that Mr. Biggar, although he was treasurer, and although large sums of money were placed under his control, as he said either from the natural indolence of his disposition (which no one ever yet had discovered, I believe, till Mr. Biggar had mentioned the fact) or from some other particular motives, did not interest himself in controlling any person whatever connected with this Land League.

I cannot tell how far the same observation as to non-interference would apply to Mr. Sullivan, but certainly we do not find any record of Mr. Sullivan’s interference whatever. I can find no trace of his action.

There remains with Mr. Kettle (who appears to have acted at times in matters connected with the League, but sparingly) the triumvirate who ruled this League. Mr. Malachi O’Sullivan tells correctly the matters that were going on. He says: We have to deal with three men who are acting as they like and doing what they like; they are Patrick Egan, Michael Davitt, and Brennan. My Lord, they were now disclosed to be the three Fenians joining the League or creating the League for the express purpose of carrying on a Fenian policy and carrying out Fenian views. We shall see that all that could either control the branches or influence the action of the Central League, come and spring from this central body—men with common

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[Continued.]

objects, with a common land of their birth, the co. of Mayo, belonging to this Fenian organisation, and joining into this alliance and creating this alliance with the express reservation that the independent action of everybody of Nationalists that joined them should be retained. We shall demonstrate as we proceed that the action of the Land League had little to do with the open programme disclosed on this platform on this 21st of October. It had, I fancy, a great deal to do with that first and intense article of Davitt's faith—the unsettlement of Ireland. Keep it in unsettlement and we succeed. And whilst they may keep a nation in unsettlement by broad and general political action, that was not the meaning of Davitt. It was to keep every hamlet and every house in a state of unsettlement. No man was to live in a state of contentment. No man was to live in a state of security under protection, with certainty that the safety of himself and those who are of him would be maintained. It was an unsettlement not as I say moving to great deeds or causing the upheaving of a nation; it was the unsettlement that rendered every man's rest by day and by night disturbed and every man unsafe, and these were the men who had declared their policy and accepted their faith from a Fenian organisation and from a Fenian combination, to whom Mr. Parnell in this ornamental proceeding confided the interests of the Land League which might have been but little, but unfortunately, at the same time, confided the interests and happiness of the majority of the Irish people.

These are the men who then appeared at the first great meeting, declared to be, as the executive. Of course that public meeting, whilst it may have marked a great crisis in the affairs of man, was merely the proof that Davitt was right when he said that Mr. Parnell having joined the prominent Nationalists had accepted the programme of trying to effect the destruction of landlordism. But, that meeting as I say did but little. The Land League had, of course, to get to work. It did, as I have, I am afraid, rather by anticipation, proved, get to work, with three men only really active agents in carrying on its operation. I should like to establish this a little more strongly by some few further references. At page 6057 we have a statement made again by Mr. Matthew Harris bearing strongly upon this question. He is asked as to what was going on at the period of January 1880, and his attention is first called again to that letter of O'Sullivan:—

“ Again the members of the League should be there and take their audience
 “ with them if they were able. They should take every platform in the country
 “ and not be sticking to the meetings they organise themselves and for them-
 “ selves. But after you strip the League of its shell you find only Davitt,
 “ Brennan, and Egan. When we see these things ourselves with what must our
 “ enemies look upon us. (Q.) I presume at that time active operations were
 “ going on?—(A.) Yes. (Q.) That is the date I want to fix, January 1880?—
 “ (A.) There is no doubt that Davitt and Brennan and Egan were three most
 “ active men. I say that I had a good deal to do in laying the foundation prior
 “ to that, but had it not been for Michael Davitt's great energy and great ability,
 “ and the way he worked the movement with Brennan and Egan, it would have
 “ fallen through, I believe.

I think the better course will be for me now to trace very briefly, as I have come to what I have termed the action of the League, the persons who afterwards took part in the action of the League. In the first place, of course, there was frequent change in the offices of the League. The operation of what we term Mr. Forster's Act, the Crimes Act of 1881, caused many of the prominent Fenians, and therefore, of course, many prominent members of the Land League to be arrested. Your Lordship is aware that Mr. Dillon, Mr. Brennan, Mr. Parnell, himself, and many others were from time to time arrested. Therefore we have a shifting organisation from that cause and also from many other causes. But we can trace out a great many of the men who were employed either in organising or governing the Land League. My learned friend Sir Charles Russell was under the impression that there were no organisers until the Disturbance Bill of 1880 was rejected, when as Mr. Parnell said the Land League spread like wildfire, and that the organisers commenced at that time. That is not quite correct. No doubt the organisers were added to at that time, but organisation had been going on. I will endeavour to avoid as much detail as I possibly can upon the subject, but certainly we find at page 1931 that John Walsh was at work. There is a letter, I think it is from Mr. Brennan to

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[Continued.]

Mr. Matthew Harris, at page 1931. The date is May 22nd, 1880. He speaks of a small sum that he was sending in respect to some expenses of Mr. Harris. That is a money matter I do not think we need refer to, and he says:—

“I will have the matter carried through some day next week. You will
“ require organisers order properly to carry on the business of the League.
“ John Walsh is doing Connaught.”

That is John Walsh, I suppose, of Balla. I think he has been admitted and proved to be a Fenian. Then at 1930 there is a letter of April 4th, 1880. It shows that Mr. Dillon had been at work at that time organising. It is to Mr. Harris.

“ I have received your letter of April 2nd. I agree with you, that the state
“ of Mayo requires serious consideration. I find, however, that it will take an
“ organiser of great skill and judgment to do any good there, and as yet I have no
“ such man at my command that I can spare for work in Mayo, unless you think
“ you could undertake it yourself.”

Mr. Harris stated that he had been very active at that time, and had been expending money in meetings. Then at a later time we find Mr. Boyton at work. I would go further than saying there was no proof. I think it may be taken Mr. Boyton was not a Fenian. I think that is the result of the evidence. At least, we have not shown he was. Sheridan, who spoke in Mayo, was clearly a Fenian. So, apart from Boyton, we get John Walsh, of Balla, Sheridan, Mr. Matthew Harris (of course, belonging to the Fenians); and Mr. O'Kelly belonged to the Fenians. We get Mr. Walsh, of Middlesborough, also a Fenian organiser. Then as to secretaries, they were at first, Mr. Davitt, Brennan, and Kettle. There is no proof as to whether Mr. Kettle was or was not. Davitt and Brennan are proved to be Fenians. The treasurer was Mr. Biggar, whose Fenian record you have. He had been a Fenian. I must put it according to his view; at that time he had ceased to be. Then there were Egan and O'Sullivan. At a later time we come to the acting executive, and I think at a later time, before the separation of the Land League, we have the executive reduced. The executive is proved at Question 73,424, page 4831, by Mr. Ferguson—it was in his cross-examination it appears—of course he is a Fenian—No, I am wrong—I have got a letter “F”—I withdraw that—I was mistaken.

(*The President.*) You said so just now.

(*Sir Henry James.*) However, my Lords, pray take it Mr. Ferguson is not, but Mr. Davitt, Mr. Brennan, Mr. Kettle, and Mr. Egan formed the executive—the majority being the ruling spirits to whom of course Sullivan refers—Davitt, Egan, and Brennan. My Lords, in later times we had Mr. Dillon, Mr. Brennan, a short time before its suppression, as secretary, and Mr. Arthur O'Connor giving an account of the action he took immediately before the suppression. Also acting at the time of the suppression we have Egan, Brennan, J. D. Sullivan, Mr. Davitt, Mr. Parnell, Mr. Ferguson, Dr. Kenny, and Charles O'Connor. Those, I think, represent the whole of the *personnel* of the Land League. Although they are, of course, well known to us in public life, the three men who brought the Land League into existence, and answered alike for its inner motives, its avowed programme, and its action, the three men whose conduct I shall have to trace, are Mr. Michael Davitt, Mr. Patrick Ford, and Mr. Thomas Brennan.

The Court adjourned to Tuesday.

Luddy James asserted that it was proved that resolutions of Dublin, Westport, & Melbourn meetings were submitted to him by Self & Brennan. Quoted H. Ireland cont. letter for me in support of this. Note. In following No. of H. J. there was letter from me denying James' assertion. Denied this also in evidence.

James also. Said J. W. Walsh of Bulla was a Fenian. Was not. Neither was Michael O'Sullivan.

Tuesday Nov. 5. '89.

P. 5660. My Evidence. Quoted with reference to interviews with extremists.

5661. Derry in Mayo. Ditto.

" " "Conrassed" Mayo, Galway, Sligo &c

Formation of Law League ^{21st} Oct. 1879. { James says Rules did not appear anywhere except in Nation Sept. '80. /

3691: Russell read resolutions.

"Nation 3rd Jan. '80 document issued. 3317. The fact is the "Suggestions" here given were the rules which governed the L. L. afterwards

"Rules" 3691. Rule 9. 10.

p. 3681 other documents. appeals (asserts those documents were not proved!!)

p. 2221 Refers to some statement from me. Letter to R. G. ^{World} ~~Letter~~ "Abolition of Landlordism", tantamount to creation of peasant proprietary.

5243. J. W. O'Connor M.P. something about programme.

2220. Alex. Sullivan quoted. My letter reply to this *

Argues that use of "Self-gov^t" by Self, Derry, &c proved the real object of L. L. to be National Independence.

Comes to Distress of 1879.

2847 Quotes again from me: R. G. Wald interview. Refers to original Dublin meeting.

480. ² Mrs Interview quoted what Parnell said.
Parnell's letter calling Conference read. (London's Evidence)
3810. Refers to Madison Square meeting & Parnell's speech.
- 569 Mrs views distress.
- 4359 D. McConnel's views on distress given
2857. Circular Clan Na-Gael quoted about artificial famine.
Comes to Parnell's visit to America.
(James full of military metaphor - 'army', 'wings', 'forces', etc)
- ? 3993. Parnell referring to Joe Nolan's aid in matter of introductions to friends
in America.
3965. Parnell again
- 3991 " "
- 479 Mrs Interview again.
- 483 Parnell on rent-paying. ("Interview" only authority quoted)
- 487 " on "True Revolutionary Movement." Interview
- "W. Parnell's Committee mostly extremists." This not so.
3886. Sees (Parnell) Austin Ford.
3373. "Irish Herald" quoted.
4017. Letter Parnell Chicago Daily News.
3977. "In communication with Breslin". Parnell contradicts.
3995. Meets London.
Committee arrangements. Dr. Carroll
2480. Beach or Le Cron's account Parnell's tour.
(James defends Beach)
(James gives romantic history Beach)
- 2481 Beach's evidence about Parnell's tour.
(Quotes)
- 4544 & Question limiting extent (p. 2682)
C.C. 13. Control tour.
3978. Parnell's admission
"9. " ignorance Clan Na-Gael
- Refers to my speech about members of C. N. Gael, 5599 - 5591
Kawleagan
- 3980 Letter Freeman's Journal Skirmishing Fund (17 Oct '79) Freeman 1. Nov. 79
(James reads this letter)
- 2548-9 Beach's account audit S. Fund. (This audit published
in Irish Herald)
6336. Speech
2744. " "
3977. Parnell again re/- Knowledge Berg, London, re.
2482. "Circular" (19 Apr '80)

296. Alex. Sullivan

299. Parnell's Speeches. (Refers to N.Y. speech.

The "immortal" "last-link" speech!

What A. General said about this speech — "could not stir him or fort" &c —
250 { ~~See~~ a report of speech put in — but not in possession of Court.

252 {
285. Cincinnati Journal put in by Parnell

" Commercial Gazette, put in by A. General

257 Irish World report same speech like Commercial Gazette.

296 Parnell's denial "last-link" sentiment

298 Parnell's account of "lead & bread" incident.

296 Rotunda meeting referred to. Destructive of James' argument.

Quotes Boyton at Drummanway referring to Parnell's ~~st~~ (stupid) story.

Refers also to p. 5. in Ottendorp's letter to Irish Times in which Ott. asks Parnell what he has done with "20 dols for lead".

(Judge Day calmly sleeps on James' eloquence)

287 — Has interview again.

287. Parnell's explanation part int. read.

286. Parnell's explanation part int. read.

260. Harris letter ^{on} Secret Societies.

" Money from America:

230 John Ferguson's night journey — John's romantic story.

1, 22 Jan. 1880. Knockree meeting.

James tries to get A. G. out of difficulty — re/ that Parnell could not stir him or fort &c but for "last-link speech"

261 Henderson's Balance Sheet — referred to to show that up to time last-link speech he rec'd only small sum money — £920.

Argument — P. receives more money after L-link speech than before: — therefore all this due to last-link speech!

285. Total sums rec'd.

16 May '80 Parnell's speech Bearfort (Kerry) Refers to financial support from America.

2nd Oct. '80 Kilkenny speech Parnell on same.

Alliance with Irish World

259. Parnell's allusion to Fort's friendships.

260. " Telegram to Fort.

262. " Quotation from some letter Parnell's to Irish World

276. Devitt on Irish World. (Smith, Philosopher &c letter)

276 Brennan on same.

Same page. Egan on Same.

5676 - Joe Quinn Same.

2203. J. M. Healy "

3303. President's ruling re/ Irish World writing, money re.

6324. My speech re/ money through J.W.

3276. "appeals in J.W." fought in money, (Letter in 1880 reply to Healy)
Three parties. Conservative, (weak) Revolutionary, Irish, Socialist

3384. J.W. on Central Treasurer L.L.

Formation American League by Parnell.

6381. N.Y. Irish Conference, passed over by James!

5584. Trainor Hall Convention? May 80

(4013 Parnell refers time re/ this Convention)

2482. Clon. No. 1st "Circular" making casual reference to
to have begun agitation. Mention of "tree planted in Mayo by David"

2480 Reference to Russia.

5680. Davitt speech Trainor Hall Convention.

Reference to my observation about "movement being first-started
in America."

(In every reform movement there must be both a destructive and
constructive work.)

5682. Dillon at Same.

6342. Davitt's account - conflict - of same Central Treasurer re.

5583: Documents, Rules ("colorless character")

3898. Parnell said Collins first President

6368-9. Davitt, gives fuller account.

Buffalo Convention. Collins elected.

6399 (Convention Book) Statement Rev L. Walsh

5597 "attended 5 or 6 meetings Clon. No. 1st"

Irish World 24th July '80. Letter of mine about other organisations

3377. Reference to Irish World issuing rules & constitution re.

3378. "all money collected to go through J.W."

Date 19 March 1881 Irish World issuing rules re

6342. Davitt reference to this.

James 3rd Day

"Uncorrected Proof."

6613

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT, No. 1.
Tuesday, 5th November 1889.

(*Sir Henry James.*) My Lords, in continuation of the propositions I was submitting to you as to the objects of the Land League disclosed by its promoters before its more formal incorporation, I would desire still further to refer you to some evidence that was given at page 5660. At question 87,764 Mr. Davitt was asked:—

"(Q.) Did you in that visit to Mayo in January and February 1879, which
" is the date I suggest to you, see at various places local members of the I.R.B.,
" with a view to enlisting them in the Land League movement or of the local
" branches," (I read as it is here,) "or of the local members of the I.R.B.?"
" —(A.) It is very likely I sought out the local leaders of the extreme organisa-
" tion in Mayo to explain the land agitation to them. (Q.) How did you get the
" names?—(A.) Well, the extremists had confidence in me at that time and came
" to me; whenever I went to Ireland they came and introduced themselves to me.
" (Q.) I gather, you looked for them—your words were 'you sought them out'?"
" —(A.) It is very possibly I did. (Q.) How did you get their names?—(A.) I
" might have got their names from the County Centre."

Your Lordships will recollect that at that time Mr. Davitt was a member of the Supreme Council of the Irish Republican Brotherhood. He ceased, according to his evidence, to attend the meetings in July 1879. I am now dealing with January and February 1879. He was not formally expelled, as he has said, from that body till the month of May 1880.

Now, my Lords, it is not immaterial to note that about this time John Devoy was paying visits to the same people in the same locality. At page 5561 the evidence upon that point is given. Question 87,799, Mr. Davitt is asked:—

"(Q.) Did it come to your knowledge, on any of those visits from any of
" those people, that John Devoy had been there too?—(A.) I think he visited
" Mayo. (Q.) Before you were there?—(A.) No, I think it was after I first went
" to Mayo. I think it was during the time he was in Ireland. (Q.) Did it come
" to your knowledge, in the course of going about, that J. W. Walsh was going
" about in Mayo in 1879, and that Devoy had paid visits round the country?—
" (A.) Oh, Devoy told me that he had been to Mayo. (Q.) Did you also learn
" it from the Fenian or I.R.B. local leaders down there?—(A.) I learnt in
" Claremorris that he had visited that town."

That was, of course, in Mayo.

"(Q.) Did Mr. Devoy tell you what he had visited these districts for?—
" (A.) No; but I knew what he went down there for. (Q.) What was it?—
" (A.) I would rather not answer that question for the reasons I have already
" given. (Q.) Come, Mr. Davitt, can you suggest any other reason, except to go
" round and enlist the local leaders of the Fenians?—(A.) Possibly that was it.
" (Q.) Now, did you not explain to these Fenians you saw between the meetings,
" the members of the I.R.B., that you were promoting this movement with a view
" to National independence?—(A.) It is possible, but I have no recollection of it.
" (Q.) Will you undertake to say that you did not do it repeatedly?—(A.) No;
" this is what I will undertake to say. I have repeatedly said in Ireland and in
" America, that in my belief, the land movement, which originated in Irishtown,
" would not be an injury to the cause of National independence. That is the way
" I put it."

Then it seems that during that time that we are speaking of, again from the whole of this evidence, that Mr. Davitt was engaged in canvassing the local leaders in the localities in Mayo, Sligo, and Galway—the Connemara part of Galway chiefly. I am

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asking your Lordships' very respectful attention to these localities, it is at page 5661. At Question 87,798, Mr. Davitt is asked,—

“(Q.) What were the three counties you said you visited principally in that early part of 1879?—(A.) Mayo, Sligo, and Galway—the Connemara part of Galway chiefly.”

I think the only other matter that I desire to call your Lordships' attention to, previously to dealing with the avowed objects of the Land League, is the character of Mr. Parnell's speech delivered by him at Westport, to which I have previously referred.

I have referred to Mr. Davitt's speech delivered in Mr. Parnell's presence, but Mr. Parnell's own views are, of course, important. They are to be found at page 3882. The important part of that speech is that Mr. Parnell says:—

“I should be deceiving you if I told you that there was any use in relying upon the exertions of the Irish members of Parliament in your behalf. I think that if your members were determined and resolute they could help you, but I am afraid that they won't. I hope that I may be wrong, and that you may rely upon the constitutional action of your Parliamentary representatives in this the sore time of your need and trial, but above all things remember that God helps him who helps himself, and that by showing such a public spirit as you have shown here to-day, by coming in your thousands, in every difficulty, you will do more to show the landlords the necessity of dealing justly with you than if you had 150 Irish members in the House of Commons. Perhaps I may be permitted for a moment to refer to the great question of self-government for Ireland. You will say, perhaps, that many men have said that this struggling for concessions in the House of Commons is a demoralising thing. Now, I am as confident as I am of my own existence, that if you had men of determination, of some sort of courage and energy, representing you, that you could obtain concessions. We are not likely to get them of such importance and amount as to run the risk of being demoralised by them.”

I am asking that the inference should be drawn that the demoralisation would be a demoralisation from acting on the more Nationalistic view, and that this was addressed to men of extreme views.

“And also there is really no reason why we should permit ourselves to be demoralised by the greatest concession of all. If you obtain concessions or right privileges, such as the Irish Church Act and the Land Act, you run no risk of demoralising yourselves. I have always noticed that the breaking down of barriers between different classes has increased their self-respect and increased the spirit of nationality amongst our people. I am convinced that nothing would more effectually promote the cause of self-government for Ireland than the breaking down of those barriers between different classes. Nothing would be more effectual for that than the obtaining of a good Land Bill,—the planting of the people in the soil. If we had the farmers of Ireland the owners of the soil to-morrow we would not be long without getting an Irish Parliament. I do not intend to be demoralised myself by any concessions. While we are getting a concession we may show the Government a little consideration for the time being, and give them a *quid pro quo*, but after that the bargain ceases; and when we have returned them a fitting return for what we have got, we are quits again, and are free to use such measures as may be necessary according to the times and according to the circumstances. You have a great country to struggle for,—a great country before you. It is worth a little exertion on your part, it is worth a little time. Do your best and your country will thank you for it, and your children hereafter.”

And so, my Lords, I am asking the conclusion to be arrived at, that until the very time the Land League was formed the leaders, Mr. Davitt in the first instance, and Mr. Parnell, placing him as I do in a very secondary position, at least during this time, to Mr. Davitt, that they were urging the people to support the Land League upon the ground, not that the distress would be relieved, as my learned friend,

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Sir Charles Russell has urged before your Lordships, but upon the ground that this movement was a stepping-stone only to the political object, the final object of National independence.

We now have to deal with the proceedings that took place on the formation of the Land League on the 21st October 1879. There has been, at least I think so, a little confusion in respect of the documents to be placed in evidence before you, confusion, I think, on the part of my learned friend Sir Charles Russell. We have these documents, I think, conveniently set out in my friend's speech, commencing at page 3687. There must be no confusion as to these documents. I am endeavouring to draw the distinction between certain resolutions that were passed and the rules my friend has put in. The truth is, at least, I think the fact is, that in the first instance no rules whatever were framed. At page 3691 my learned friend, Sir Charles Russell, I think falls into an error as to date. After having read the resolutions and the address, which was also issued, my learned friend then says, "I have read in that connexion the rules which were at that time formulated," and that was according to the context, either at the time of the meeting or immediately after the meeting, the meeting taking place October 21st, 1879.

Now, my Lords, these rules which have been put in do not appear anywhere until the 27th November 1880. They appear in the "Nation" newspaper of that date. You will find at page 3318 these rules are put in evidence, and they are read from the "Nation" of the 27th November 1880; and so there is a period of more than 12 months without any formal rules or any rule to guide the branches being issued. We have something, of course, to deal with which I am now going to refer to. If your Lordships will refer to page 3318 it will be found convenient to look at the document set out at the commencement on p. 3317.

Now, if your Lordships would follow this. This, no doubt, appeared in the "Nation" of the 3rd of January 1880, and I presume that meeting had taken place very few days before—I think December 30th; and so, my Lord, we have a lapse from October 21st to December 30th without there being, so far as I know, any constitution laid down in writing of this Land League. But upon the 3rd of January a document which is now before your Lordships was published, and I have to call your attention to it.

It appears, and this is confirmatory of the date, that a "Report of the distress at present existing in the West of Ireland" was handed in to Mr. Davitt. I shall have more to say of that hereafter. Then, my Lords, there is a motion as to the urgency of the existing distress, and then the document proceeds; it is about 10 lines down from the commencement of page 3317.

"Various applications having been received from various parts of the country."

Of course, then they were without rudder or compass—they were acting without guide:—

"And from England and Scotland, for rules to aid in the formation of branches of the Land League, the following suggestions on organisation were submitted, and adopted pending the preparation and issuing of rules for the proper management of such bodies."

Now, my Lords, that particular period, therefore, is from this period of December 30th—from 1879 until the time when the rules did appear, namely, November 27th, 1880.

Then, it is said that—

"A branch of the National League should be formed in every parish in Ireland, or at least in every barony, with sub-branches of tenants' clubs upon every large estate, if possible—land clubs in connexion with the National Land League for the purpose of aiding it in its labours to emancipate the Irish tenant farmers from landlordism, should be formed in towns and cities in Ireland, as also in the centres of Irish population in England, Scotland, and America. The tenant farmers of a parish or barony interested in the settlement of the land question should convene a meeting in some central place, and proceed to the formation of a branch of the Land League whenever a public meeting in connexion with the agitation for reduction of rents and change of land system has been or is held, a local branch of the Land League should be formed."

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Then there are detailed statements as to the "members and qualifications of members," and then we come to this statement:—

"The funds of a local branch of the Land League should be used for
 "defending such of its members as might have to resist rack-renting, arbitrary
 "disturbance by landlord, or any unjust action in connexion with the tenants
 "holding, for which public opinion should be evoked, or compensation claimed
 "under the provisions for that purpose set forth in the Land Act of 1870. Local
 "branches voting a percentage of their funds to the National Land League could
 "claim its assistance in defending such actions as the foregoing when resolved
 "upon in the interest of the tenant farmer member sought to be wronged or
 "injured by his landlord or agent."

You will note that this is the only reference to the expenditure of funds in any way in connexion with legal proceedings; that of course is dealing with eviction, dealing with any claim of an agrarian character between landlord and tenant. There is not one word there as to defending any prisoners charged with crime, and I think your Lordship will find there never has been. Anything in that respect that has been done is outside the constitution of the Land League. Of course there is no statement of the support even of the suspects, because at this time Mr. Forster's Act was not in existence, and therefore there were no suspects, and it could not be within the constitution.

Then the next paragraph provides a local branch especially to meet the necessary expenses.

Now I have to call your Lordships' attention to this:—

"No man taking a farm from which another has been evicted for non-payment of unjust rent should be allowed to become a member of any branch."

that is, as to the becoming a member. He is disqualified from taking a farm after such eviction for non-payment of rent.

"Any member of a branch association, bidding for or occupying a farm
 "from which a member or non-member has been evicted, or who shall rent land
 "which a member or non-member may have surrendered on grounds of excessive
 "rent, or upon a refusal of a fair reduction of rack-rent, shall be expelled the
 "branch for such action, and should be looked upon and shunned as a traitor to
 "the interests of his fellow tenant farmers, and an enemy to the welfare of his
 "country."

My Lords, I shall afterwards have to deal with the meaning of this word so often used—the word "traitor"—in connexion with this, and ask you to attach a significance to it when used in this document and in others too.

"No man assisting to serve process of ejectment on taking part in an
 "eviction or purchasing stock or produce seized for non-payment of a rack-rent
 "to be allowed the membership of any branch or association; any member of
 "a branch proved guilty of any of the foregoing acts to be at once expelled and
 "denounced for his action."

Then, my Lord, I do not know that it is to be wished that I should read these formal matters, but you will see lower down in the middle of the page:—

"The particular organisation of such clubs could either be left to opinions
 "prevailing at some initiatory meetings or be based on that laid down for
 "branches of the Land League which requires a managing committee of seven,
 "including a president, treasurer, and secretary."

So far, therefore, I think we have the history of the documents that will in any way constitute the constitution of the Land League before your Lordships.

We come now to the formal rules issued on the 27th of November, which are merely directory-rules, as to the machinery and the manner the machinery is to be employed issued to each branch. These rules, which I have already referred to, are at page 3319. They say nothing about any objects. I do not know, my Lord, that observation in respect of either view of this case which has been presented to you arises upon the fact—they being "rules for the guidance of branches." I suppose they would not

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enter into a question of what are the objects of the Land League, in the direction to officers and branches what to do. Therefore, my Lords, I make no observation upon the point, that the rules do not enter into the objects of the Land League. Rules 9 and 10 carry out the views expressed in the resolution:—

“ That no one taking a farm from which another has been evicted for non-payment of unjust rent shall be allowed to become a member of any branch of the Land League.

“ That any member of a branch bidding for or occupying a farm from which a member or non-member has been evicted, or who shall rent land which a member or non-member may have surrendered on grounds of excessive rent, or upon a refusal of a fair reduction of a rack-rent, shall be expelled the branch for such action.”

Your Lordship will see there is not one word there about a person being treated as a traitor. I say again, I do not wish to be arguing a matter that does not commend itself to my own mind from any point of view. Probably in a rule you would not have that expressed, but as I understand, the previous document had been issued as an *ad interim* document—that document would be given to the managers of the branches with the rule, and it would be, therefore, that every man who had taken a farm from which a person had been evicted would be dealt with as a traitor, meaning being given to that word according to the reading of it by those to whom the document was addressed.

My Lord, I would say my learned friend, Sir Charles Russell, in his speech, having read these two documents, and also two others, made an attack—a very serious attack. I presume it was principally directed upon my learned friend, the Attorney-General—in which he said that it was a great scandal that your attention had not been called to these two documents. It will not be perhaps at any time, certainly not now at this moment, that I should think it necessary to defend my learned friend, the Attorney-General, or any of his colleagues, from the attacks that have been made upon him and them; and my Lord, that we all, and especially my learned friend, the Attorney-General, have been attacked in this Court, and out of it, must be known to your Lordship. So far as my learned friend, Sir Charles Russell, is concerned, the attack that was made upon this occasion as to the disgraceful manner in which the case had been conducted, and the grave scandal that arose from the non-production of this document which had been produced and read at length, and which fact had escaped from my friend's memory, that attack steps prominently forward on the ground of its contrast in the severity of its tone with the generally very moderate tone employed by my learned friend.

My Lord, I say as to the other attacks made especially upon my learned colleague and those associated with him—attacks made outside this Court behind his back—made often in terms that were intended to mislead by those making them—it would not be fitting for me to enter. I do not think you would wish me to do so. All I do wish to say is, that my silence on such attacks is regulated by what I feel to be due to your Lordship in the conducting this enquiry. And, while I do no more, I make my protest against these attacks, and, so far as my friends are concerned, I shall endeavour to meet them whenever they are made, with or without offence.

My Lord, my learned friend, Sir Charles Russell, while commenting with great severity of language on keeping this document back, forgot it had been read in extenso by my friend. He also referred to four other documents. They were documents which appear in my friend Sir Charles Russell's speech. At page 3,689, which is “an appeal to the Irish race;” page 3,693, “An appeal to the farmers of Ireland;” page 3,694, “An appeal to the tenant farmers of Ulster;” and a document relating to events occurring subsequent to the time we are dealing with; page 3,698, “The programme of Parliamentary reform.” I say, in the first place, these documents have not been proved. I am not taking, for one moment, objection to that fact. I am taking them as if they were proved. I mention it for this reason that when my learned friend, Sir Charles Russell, made this, which I term a very grave attack upon those who had the conduct of this case, as if there had been a desire on the part of some one being counsel or attorney, to keep back from your Lordships information—up to this moment you do not know, and we do not know, the circumstances under which these documents were published—All I can say is—I am

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instructed that they had not come into the hands of anyone representing the "Times" newspaper. If they had, I very much doubt whether the Counsel who have placed upon them a most difficult and responsible duty of determining upon the mass of information in our possession, what to place before you as material and what to keep back as irrelevant, I believe, with the exception of one sentence, that we should have found nothing in this document that would have thrown any light upon this inquiry, and if we had read these four documents at great length, we should have counsel for the respondents complaining and saying, why should you take up the time of the Court; we should have had the public saying the same thing; we should have had those rather severe critics of ours, who report our proceedings in different newspapers holding different views complaining; and possibly, we should have had your Lordship saying, why are these documents read, and how do they throw any light upon the inquiry? But there is one document, if we had had it, I think I should have called attention to. It is that document addressed "To the farmers of Ireland, and all interested in the settlement of the land question" set out at page 3693 of Sir Charles Russell's speech.

"Having addressed the exiled of our race in behalf of the movement which has been initiated for the redress of the land evils of our country, we now venture to appeal to you for practical assistance in the efforts we are making towards securing the soil of Ireland for those who cultivate it. No more favourable opportunity has ever presented itself to our people for the settlement of a momentous national question than that which is now offered by circumstances the most propitious for a radical reform, existing in conjunction with an extraordinary popular agitation demanding the justice of its concession. The first industry of our people is paralysed——"

my Lord, this represents the most favourable opportunity—

"Foreign competition has supplemented the disastrous effects of bad harvests, and produced a crisis which renders it almost impossible for farmers to meet their rental obligations. Agitation has had to be evoked to demand reduction of rents which could not be paid. The price of land has also fallen in consequence of the lowering of farm produce, and the stand which the farming classes have been compelled to make for reduced rents. Both will be continued to be lowered until rents are brought to a proper level, and land to its fair value. Will the people of Ireland lay a firm hold of this land question at the tide that is now approaching, and which will inevitably lead to a peasant proprietary, and thus insure for our country that prosperity and contentment which a free soil has produced in countries where landlordism has been abolished."

My Lords, that discloses, I think, the mind of Mr. Michael Davitt. It was not at this time that this movement was reduced to the level—and I hope I did not express it in inapt terms when I said almost to the level of an institution or a soup kitchen, to which my learned friend, Sir Charles Russell, reduced it. It was not the distress of the farmers that Mr. Davitt had in view in his cell at Dartmoor. The relief of that distress was not then contemplated by him; it was the peasant proprietary, that is the absence of landlordism leading to national independence which Mr. Davitt, for good or for evil, was striving for, and the opportunity to make a step in that direction was the bad harvest, foreign competition, reducing the farmers to a state of discontent, which Mr. Davitt, feeling as he said (and he has quoted to you his view), that selfishness is the mainspring of all human action, he applied it for the purpose of carrying on political movements in all cases. I do not myself see, except this one document, that light will be thrown upon this inquiry by having them read; but it was because having read those two sets of rules, having read the resolutions while having these documents in their possession, that the first grave indictment which my friend thought fit to bring, sometimes against his own colleagues at the bar, and more frequently against those who instructed them, has been founded.

My Lords, I wish now to show to you that the documents which my learned friend virtually says are the only guiding documents to be regarded, have very little to do with the substance of this matter. My Lords, we have the rules, and we have the

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resolutions. If you were convinced they contained the only objects which the promoters of the Land League had in view, if you believe that they contained a declaration of the results that were sought to be advanced by the Land League then, my Lords, of course they would be almost final when we are judging of this system of this leaguism. But it is now admitted that the documents were documents framed for the purpose of concealment. It is proved that those documents did not contain the objects of those who formed the Land League, and did not contain the objects the Land League had to accomplish, and did endeavour to carry out. It is proved too that the reason for this concealment, or rather this non-statement, was for a political reason; it was to strengthen the numerical force that had to be summoned into action. It was to carry out the new departure, this new alliance of all men acting within one common army, but with different commanders, and different in independent action, and it was because that force would have been scattered if the truth had been told, that these documents were framed, as they have been framed, and that only a mere skeleton of the substance was placed before the public.

My Lords, from many points of view, this is the most material aspect of this case. It certainly disposes of my learned friend's argument, which was almost of a legal character. You are trying, said my learned friend, Sir Charles Russell, you are trying the clients he represented for conspiracy. If you try men for conspiracy, applying that general observation to the concrete case before you, you can deal only with the avowed object, and you can deal only with the open constitution, that is, the open declaration of the combination such persons entered into. My Lords, of course if those who were so charged had no information given to them but what appeared in this constitution, my learned friend's argument would be well founded, but if it be that leader and follower alike knew that this statement to the public was issued under the pretence, and in order to gratify the timid land reformer in order to act constitutionally, legally, and not to disclose an unconstitutional and illegal means, then what becomes of my learned friend, Sir Charles Russell's argument, and do not those who are respondents here stand in this position, that they have to answer for the real truth, and not this falsely disclosed statement. And, my Lords, we now have to inquire from their own lips, and not by way of surmise, what was the real constitution of this body; what were the objects of this body, and what were the means by which the objects were carried into effect?

Again I refer, as I have hitherto referred, mostly in this case for information to the statement of Mr. Michael Davitt. My Lords, that commences at page 2221. You will find a letter, I believe, at the commencement of page 2220, but the substance is on page 2221. It is a letter from Mr. Davitt, a later letter in time than that period with which we are dealing, but it refers to this period. It is a letter which he wrote on the 21st May 1884 to the editor of the "New York World." The part I wish to refer to for this purpose commences at the concluding line on page 2221. Mr. Davitt is speaking of the cabled offer, the offer which, my Lords, as I have said, and as Mr. Davitt says, went in his absence to John Devoy, but cabled for Mr. Davitt. He communicated his views of the new alliance to certain people in America, and I have accepted it as cabled to Mr. Kickham, and not reaching Mr. Parnell:—

"The gentleman to whom they were cabled dissented from the proposals contained in these resolutions—which subsequently became known as the 'New Departure'—but had then forwarded to Mr. Parnell, who, so far as I know, never replied to them, or brought them before his colleagues (the then 'Obstructionists') for any discussion or action whatever. The principle upon which the Land League was founded is, as a matter of course, subject for dispute and difference of opinion, and the programme which was drawn up by the persons named and embodied in resolutions of the Conference on the 21st of October 1879 (inasmuch as it did not comprise any demand for self government) cannot be credited with containing the whole 'principle' upon which the Land League was founded. The organisers of the Conference had to consider the advisability of framing such a programme as would not 'scare' any timid land reformer away from the projected movement, and it was further considered necessary to render it eminently constitutional for the double purpose of legal protection against the Castle, and to enable members of Parliament to defend it within the House of Commons. What, then, was the

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“ principle upon which the Land League was founded? I maintain that it was
 “ the complete destruction of Irish landlordism : first, as the system which was
 “ responsible for the poverty and periodical famines which have decimated
 “ Ireland ; and, secondly, because landlordism was a British garrison, which
 “ barred the way to National independence.”

My Lords, Mr. Davitt was in this document, as I have said before in relation to many others of like declaration, frank and open ; a great deal had been done between October 1879 and May 1884. One event had happened, the Land League had ceased to exist ; Mr. Davitt could write about it then frankly and openly ; there was no one then who could suffer in relation to this constitution, it had passed away. An abortive trial had occurred, and no one was in fear of consequences, no evil could come from these declarations, and so the truth is told. Timid land reformers had to be enlisted, and so they were not told that landlordism was to be abolished. The constitutionalists in the House of Commons had to be armed with a weapon, of ignorance it may be, and certainly of silence if they choose. They were entitled to say there is nothing unconstitutional, this is not an effort to obtain the separation of Ireland from England, this is simply an attempt to afford relief to the tenants from paying higher rents.

(*Mr. Davitt.*) The peasant proprietary is mentioned in that constitution.

(*Sir Henry James.*) The peasant proprietary may be mentioned under Lord Ashbourne's Act. Mr. Davitt is right in saying that the peasant proprietary was mentioned in the constitution, but this abolition of landlordism for the purpose of securing National independence, and to drive out the British garrison is not mentioned, and as Mr. Davitt declares, because first we were afraid of the Castle, which I presume meant prosecution, and secondly we wished to allow the representatives of Ireland in the House of Commons to say that our constitutional confederation which we have entered into will be nothing more than what Archbishop Walsh described it to be, an Irish Tenants' Defence Association.

You may take it, my Lords, that the document which is mentioned, to which the open declaration, an appeal to the farmers of Ireland, was drawn, it is stated in the evidence by three persons. I think, probably (at least, this is a surmise on my part) that it was drawn by two and approved by one. At page 5241, it is stated in the evidence of Mr. Thomas O'Connor, that the draft appeal for the support of the organisation was prepared by Mr. Parnell, Mr. Brennan, and Mr. Davitt, the resolution and not the appeal, they are two distinct things.

My Lords, I think I shall show to your Lordships that the three persons practically answerable for the affairs of the Land League, are those members of the Fenian organisation, Mr. Davitt, Mr. Egan, and Mr. Brennan. I have no doubt Mr. Davitt taking the leading part, Mr. Brennan assisting him, drew this appeal, and, as explained now by Mr. Davitt, he was the author of them. We know not only the hand that drew them, but the mind that caused them to be drawn, and the purpose for which the judgment of Mr. Davitt was brought to bear on their being so framed. That view (I pass it quickly by) your Lordships will find in Mr. O'Connor's evidence at the next page, 5243. It is in answer partly to my friend, Mr. Ronan—it is a combined answer to two questions, and he states very distinctly that inasmuch as there was no declaration of self-government, the object of the Land League, that which was published to the public, does not represent the complete programme. First, Mr. Ronan put the question—

“ Does not that show the meaning of Mr. Davitt is that the programme is
 “ not complete, inasmuch as it comprises no demand for self-government? I
 “ see Mr. Davitt makes that statement, which I have no doubt is correct, there
 “ was no allusion to it.”

(*The President.*) And therefore it was not a complete programme?

“ And therefore,” says Mr. Thomas O'Connor, “ it was not a complete
 “ programme.”

There is also the authority of a gentleman whose name has not often appeared in these proceedings. I am mistaking for the moment the author. I have to quote another passage from a gentleman with the same initials ; but this I am about now to read is on the authority of one who has taken a very conspicuous part in America and in all that relates to the Clan-na-Gael especially, namely, Mr. Alexander Sullivan. At page 2220, Mr. Alexander Sullivan states what was the first plank of the platform

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upon which the Americans were standing—those who were the most useful in their action, most powerful in their contributions, had so acted and so contributed upon their knowledge of what was the platform and programme of the Land League, and at page 2220, Mr. Alexander Sullivan states his view of the matter:—

“ Contrary to the belief of many,” says Mr. Sullivan, “ the Land League was
“ of American origin. Its platform was drawn in the City of New York by Irish
“ Nationalists residing in America, of whom the best known is Mr. John Devoy,
“ in consultation with Mr. Michael Davitt, on his first visit to the United States in
“ 1878. The first plank of the platform was a declaration for self-government.
“ The second advocated vigorous agitation of the land question on the basis of a
“ peasant proprietary, while accepting concessions tending to abolish arbitrary
“ eviction.

“ After the platform drawn up in New York had been thoroughly discussed
“ by the Irish Parliamentary party, it was agreed to by them, and the Land
“ League was organised in Dublin, October 21st, 1879. Mr. Parnell was elected
“ President, and Mr. Davitt, one of the secretaries. * * * * Davitt himself
“ would never countenance any misapprehension of the facts. He knows that it
“ is he who has altered his views, while the platform of the Irish National League
“ remains identical with the platform of the Land League.”

My Lords, my objects, of course, in reading Mr. Sullivan's views are simply to show that he was the most conspicuous figure, except, perhaps, in later days, Mr. Egan, in the American action regarded the first plank of the platform as a declaration of self-government. I do not enter for a moment into a discussion whether Mr. Sullivan was right or not as to whether the Land League is of American or Irish origin; it would be interesting, in an historical point of view; but, as we now know the facts, I do not think that those facts need be discussed, at least by advocates, before your Lordships. You can see, on the one hand, the Americans treating Mr. Davitt's speech at Boston as the first declaration of the views they themselves are setting forth in their cablegram to Mr. Parnell, which they seem to think was afterwards acted upon. They say that the Land League came from America; on the other hand, those who say Mr. Parnell did not act on this cablegram, may treat Ireland as the birthplace of the Land League. I think it would be waste of time to discuss which of these two views should prevail; whether Mr. Egan in America, or Mr. Davitt in Ireland should have the credit for it. Between the two views I really do not seek to determine, and, with great submission, I do not know that it will assist your Lordships very much to arrive at a determination upon the point.

I think that deals with the whole subject of the declaration of the Land League. I only point out to your Lordships that the word “self-government” which is used, is a word which occurs in the cablegram message; it occurred in Mr. Davitt's Boston speech; it occurs in Devoy's letter to the “Freeman” of December; it occurs in the first resolution proposed by Mr. Davitt at the Westport meeting of the 7th June 1879; and it was, my Lords, adopted by Mr. Devoy, apparently as a war cry in which those who preferred open action and secret action could join, it was purposely, I submit to your Lordships, left uncertain in its definition, but it was that link which bound the two parties together, the extreme party and those who have been called the constitutional section of this movement, but they were combined and working towards this end and this one end alone.

I have, in connexion with the subject I have mentioned, now to turn over completely a page, and deal with matters of a very different description. Your Lordships will recollect that in the addresses to the people of Ireland, those who had framed the appeals, Mr. Davitt, Mr. Brennan, and Mr. Parnell, stated that they were taking advantage of the opportunity that presented itself on account of the bad harvest, and foreign competition having reduced prices. I have for many reasons now to ask your Lordships to allow me to call your attention perhaps somewhat, many may think, in a detailed form to what that opportunity was, that is what the distress of 1879 represented. From many points of view this becomes a very material matter of consideration. My friend, Sir Charles Russell's view is that the distress of 1879 revived the Land League, not that the Land Leaguers took advantage of the opportunity, but that it was distress so great, so pressing, that those who formed in

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their numbers, the Land League rose in combination together and by an almost automatic process came combined for seeking relief from a pressure they could not bear. It also is a most material matter, and I ask your Lordships now to allow me to use what I am about to use in dealing with another topic, it is most material to see what this distress was in order to determine how far the crime that commenced to show itself did or did not proceed from that distress. To anticipate for a moment my learned friend's argument, it has ever been, that where there is recurrent distress you obtain recurrent crime, and without further anticipating, my Lords, I would say I wish to see as we carry the tale of this distress from 1879, 1880, 1881, and 1882, whether there is any foundation for my friend's statement, that the crime of those years proceeded from the distress and entirely proceeded from the distress which existed in them.

With those two objects in view, I would ask you to allow me, if I can, to place before your minds the real nature of this distress as it existed during the year 1879.

My Lords, I have shown to you by the documents which I will not, even by the way of repetition, refer to, namely, Mr. Grimshaw's report, that 1878 was certainly, in all respects, an average year, as to many crops it was above the average; but, my Lords, there can be no doubt that the winter of 1878 and 1879, with such a wet season that followed the immediate winter and the early days of spring, that it, no doubt, formed a most distressing period, and those who have any knowledge of the west of Ireland, like Mr. Davitt had, would well know that even those passing months before the result of the harvest of 1879, would forebode a time of coming distress.

There were some other causes, such as the total destruction of the kelp trade, which pressed heavily, and must in the future press heavily, upon the peasants of some particular localities; but whilst all these signs would tell men who, from their position, had the means of applying such signs to the future, that a distress would occur, it could not have been that after such a harvest as the harvest of 1878, distress showed itself in any acute form early in 1879.

My Lords, may I remind you that as to the formation of the Land League, it had been designed and resolved from the year 1877, and years before, by the man who could have known nothing, or but little, of what was existing in Ireland at the time. He thought this matter over, and, of course, even could have known less, for he could have known nothing of what would be likely to exist in a time of like action, during his freedom, in the years 1878 and 1879. This accident of the coming distress was merely an accident, which happily came, according to Mr. Davitt's view, in his way; but it was not the cause which my friend Sir Charles Russell has put, it was not the reason of the existence of the body which must have been determined upon by Mr. Davitt in that life of darkness he led for seven years, it must have been in the course of considerations in America when the cablegram was sent, in August 1878; it must have been determined upon by the alliance which Mr. Devoy and Mr. Davitt had formed before they commenced their vast canvass to enlist the farmers of Mayo into the combination and into this very League as early as January and February 1878, and to Mr. Davitt, who was reviewing the troops in existence—the armed men who were in existence—and adding to their numbers by organisations of the Irish Republican Brotherhood. Still we have to deal with what I term the accidental circumstance of the coming distress in Mayo and on the west coast of Ireland during the year 1879. But, my Lords, at what period did this distress grow so as to be of importance? We learn a great deal of the history of this matter first from Mr. Davitt's own view. It occurs at page 2847, and I read it, for another object altogether, before. Mr. Davitt is accounting for how it was he proceeded as he did with the Land League, and he takes the view that after having seen the priests and farmers and the local leaders of the Nationalists, and after having made inquiry, he found that the seasons of 1877 and 1878 poor, and that famine was expected in 1879. Then he refers particularly to a day in March 1879, when at Claremorris, in company with John W. Walsh of Balla, he obtained certain specific information; and so, my Lords, I must take it that it is likely that from the wetness of the season—although 1878 has been proved, as I say, not to be a bad harvest—yet, according to Mr. Davitt's view, a poor harvest, there was anticipated in the spring of 1879 that a time of distress, if not of famine, was coming, which would be taken advantage of. So we learn a little more of the history of this matter from the evidence, and the important evidence that was given by Mr. Parnell himself—given in the words of Mr. Ives when detailing the conversation he had with

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Mr. Parnell. At page 480 is Mr. Ive's evidence as to what Mr. Parnell told him. Whether Mr. Parnell did or did not see the proofs of this interview for the purpose of its being published, Mr. Parnell himself treats this account as being substantially correct. Mr. Parnell says, at page 480:—

“ The land agitation was started by Mr. Davitt in April last, taking advantage
“ of the threatening state of affairs for the purpose of obtaining the land for the
“ tillers of it.”

How this, coming from Mr. Parnell, refutes the advocacy of his counsel! Where is the automatic action; the natural growth; the action of the tenant farmers in distress; the growth of the Land League, coming from distress? What was it that brought into existence, according to Mr. Parnell, the agitation, the agitation not resulting from that which existed, but only that which was threatening? It was this: taking advantage of the threatening state of affairs in April 1879, Mr. Davitt proceeded to agitate, and, as Mr. Harris has told you, to rouse the dormant passions of an inert peasantry, that could only be roused by appealing to those self-interests which would guide them into activity and take them away from the dormant state in which they existed. I think it probable it is true that during the autumn of the year 1879 the distress was becoming acute. I find on September 29th there is a letter from Mr. Parnell, which was put in evidence. I do not know whether it was proved before, but it was referred to by Davitt in his speech, at page 6166. It is a letter from Mr. Parnell, dated September the 29th, 1879, in which he says (page 5765):—

“ Some friends have urged upon me the strong desirability of forming a
“ committee for the purpose of appealing to our countrymen abroad, and more
“ especially in America, for assistance in forwarding the new land agitation in
“ favour of the ownership of the soil by the occupier, and also for the purpose
“ of upholding the tenants during this terrible crisis by the promotion of
“ organisation.”

Of course, there is no such word there as asking for relief from distress. I do not know whether the “terrible crisis” meant the terrible crisis of the struggle or the terrible crisis of the season; that may be left in doubt. It may be read either way. Possibly Mr. Parnell had in his mind that the terrible crisis resulted from the distress which was likely to occur. But your Lordship will see that whilst in the address of October 21st to the people of Ireland, the words are used that no more favourable opportunity can be presented than that which now occurs, that is resulting from the distress, yet at that time there is nothing said in any document as to the object of the Land League being to relieve distress. I am very anxious to make no statement that cannot be supported; but I do not find in Mr. Parnell's speech at Westport nor throughout the speeches that were made in the spring and summer of 1879 (I am referring to the class of speeches your Lordship will recognise represented by Irishtown, Claremorris, and Westport) any appeal made on behalf of the distressed farmers. I can, of course, find organisation for the purpose of placing the tenant in a better political position as against his landlord, but when you come to the question of this social crisis, this distress, that was said to exist by my friend Sir Charles Russell in his argument, adducing so many grave causes, I cannot find the speakers urge upon the audience they were addressing that any step should be taken to relieve distress, and in all that occurred in Dublin on the 21st October 1879, I believe the like silence was maintained. I think that must be so, because we shall see that, at a period later than the 21st October, the distress then became so acute and so grave that men were moved to action they had never thought of, and never contemplated at the time they were either laying the foundations of the Land League, or were declaring the whole edifice open by the meeting of the 21st October 1877. Again, I have to refer to the document that has been put in at page 480, the interview between Mr. Parnell and Mr. Ives. At page 480, in the middle of the page, Mr. Parnell I think gives you the history of this first action in favour of the relief of distress. Mr. Parnell says—

“ I consider the British Government ought to relieve the distress, and we
“ have been watching and waiting to see whether the Government would fulfil its
“ duty in this respect. Finding that it did not, the Land League decided, just

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“ before I left Ireland, to receive subscriptions for the distressed, and we feel
 “ ourselves compelled to say, although our primary object is to raise money in aid
 “ of the Land League, that if any charitable Americans desire to entrust us with
 “ funds for the relief of the poor in Ireland, we shall be happy to receive them
 “ and apply the money, through our local organisations, according to the wishes
 “ of the donors.”

Mr. Parnell sailed on the 21st December 1879, from Queenstown. I think that was the date of his leaving England, and so it was on the eve of his departure, which must have been in the middle of December, that for the first time the Land League in any way associated itself with the relief of distress, and it was only, as Mr. Parnell says, within a few hours comparatively of his leaving (that is proved, I think, so to be, and as he himself says, on the eve of his leaving) that the Land League then said, we will make ourselves actors in the charitable and good object of relieving distress. Mr. Parnell put it, by the way, that though his primary object in America was to receive assistance for the Land League organisation and for carrying on the Land League, yet, if charitable Americans chose to move he would, on the part of the Land League, be willing to receive such subscriptions. Also at page 3810, in making his first speech, which I quote from memory, in America, at Maddison Square, in New York, which was the 4th January 1880. Mr. Parnell, even then, in the commencement of the year puts it simply that distress is imminent. He puts it, even then, that it has scarcely reached a point that caused it to be regarded as a famine, but he puts it as late as the 4th of January that the distress was imminent; that is, I presume, was about to reach a very acute phase. Mr. Ives, too, has practical knowledge of this subject. He visited this district. He had been in Ireland in the autumn of 1879. He returned to America in the same ship with Mr. Parnell, the date of whose sailing I have given you, and after having been in America a little time he returned to Ireland and visited the West coast, and saw therefore that sad distress which, without doubt, existed at that time of which we are now speaking.

At page 569 Mr. Ives gives this account of the distress when cross-examined by Sir Charles Russell:—

“(Q.) You told us yesterday you went to Ireland in 1879; that was in
 “ November, I think, of 1879?—(A.) It was. (Q.) Was that with reference to
 “ the rumours of an impending famine?—(A.) When I went in November 1879,
 “ no. (Q.) What did you go there about?—(A.) Particularly for the trials, at
 “ Sligo, of Davitt, Daly, and Kelly. (Q.) Being there in September 1879, what did
 “ you find to be the state of the public mind upon the question of distress, and
 “ possibly, famine?—(A.) I do not think there was much talk about that till
 “ December.”

Your Lordship sees how this agrees with the action of the Land League. To these gentlemen I give the credit of sympathy. Men like Mr. Davitt would have full sympathy with those with whom he must have regarded himself as more intensely identified than what is ordinarily represented by the word fellow-countrymen; I mean the small tenant farmers of Mayo. When they thought the distress had become grievous and acute they were roused to action on behalf of the suffering. I give them that credit; but as we know the date now, it was not till December had more than half run its course; and here, according to Mr. Ives, he was putting it that there was not much talk about that distress till December.

“December of 1879.”

(says Sir Charles Russell):—

“(A.) In December it began to be considerably talked about, and I believe it
 “ was in December the Duchess of Marlborough started her committee. (Q.) You
 “ have told us already you went to America in the “Scythia,” and then came
 “ back almost immediately, arriving back somewhere about the 19th January.
 “ You also told us you devoted yourself for a considerable part of some three
 “ years travelling all over the country, and visiting various parts?—(A.) Yes.
 “ (Q.) Did you visit, amongst others, the counties that have been specially
 “ referred to, Galway, Clare, Mayo, Cork, and Kerry?—(A.) Yes, I was
 “ all over the coast counties, south and west. (Q.) And did you take

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“ the closest observation you could of the state of the various districts through which you went?—(A.) Yes, I was investigating the distress.

Then he says that which I do not for one moment wish to dispute, that at this period with which he is now dealing, January 1880, there was distress of a very grave character. I shall have to ask your Lordship to compare it with the distress which existed during the famine period commencing in 1846, and continuing, perhaps in less degree, to the year 1850 or 1851. But I do not want to minimise at all the distress, which was sad, no doubt, from its extent, and pressed most grievously upon a portion of the inhabitants of the west coast. Your Lordship will recollect that the funds came into existence, such as the Duchess of Marlborough's fund, and also another fund, the Mansion House Relief Fund. They do not come into existence until, I think, December. The Duchess of Marlborough's was the first. They do not come into existence until that time, their existence equally following the current date I have given to your Lordship for the spread of this famine.

My Lord, we have one or two other portions of testimony upon the fact I am dealing with which will also assist your Lordship as to the extent of this famine. Dr. McCormack, at page 4359, tells your Lordship when he thought the famine had become a matter of great gravity. You will recollect that Dr. McCormack is the Bishop of Galway. At page 4359 he states that the condition of the district which was then under his charge was such that he thought it necessary to make a public appeal. The date of his letter is Christmas eve 1879. He says his letter will be found in the “ Freeman's Journal ” of the 26th of December 1879. Then the question is put to him:—

“ And you wrote as soon as you thought it was time to write?—(A.) Yes.”

Of course this letter was written in respect to the condition of the very west coast of Ireland with which we are dealing.

There is a matter which I will mention, though I do not know that it is one of very great importance. Mr. Parnell seems to have made what Mr. Ives regarded as an attack upon the Duchess of Marlborough's Fund. Mr. Parnell also said that the Land League were the first body that moved in order to obtain relief for these distressed peasants. That is not quite accurate. Mr. Parnell was inaccurate in that respect. The Duchess of Marlborough's Fund is proved to have been in existence before Mr. Parnell sailed, because he was attacking it at the commencement of his voyage, as soon as he was in the ship. He obtained no information from land, of course, after he sailed. He was saying the fund would be a failure because it would be used for political purposes. The Land League never moved until the eve of his departure, and no publication of their intention was made till after his departure, whilst the Duchess of Marlborough's Fund had been then in existence. I do not know that this assists us very much, except to show there has been a little confusion as to these facts, and certainly Mr. Parnell is inaccurate in attributing to the Land League the first movement in order to relieve distress.

I do not, as I have said, wish to minimise the effect of this distress, because I believe it existed, and that relief for the peasantry certainly was required, but there is a view of it presented which is useful when we have to compare it with the amount of distress existing in 1846, and the crime existing in the period of the famine of 1846. That piece of testimony is from an American point of view, namely, from the executive body of the Clan-na-Gael. In issuing their circular to the officers and members of their body under the date of September 1st 1881, they say (p. 2557):—

“ We will not butcher the wives and children of those by whose side we fought for liberty, and who generously gave to save us and ours from want when England intended by a repetition of her infamous '47 policy to turn a trivial failure of crops into an artificial famine which would consign millions to paupers' graves.”

Whether that phrase—“ trivial failure of crops ”—be correct or not I really do not know, but the distress was substantial and heavy enough upon those poor people. Still less do I know how far the words “ artificial famine ” have any real meaning which can be attached to them, but, though, as I have said and wish to repeat, the distress was sad in its extent, still that observation so made shows there was not that

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famine which existed in the year 1846, either so widespread in this locality nor certainly productive of so much evil upon the community.

Again, I am making—perhaps slowly enough you will say—some progress, both in respect to time and in respect to events. Your Lordship will recollect that by the sixth resolution that was passed when the Land League met on October 21st, 1879, it was determined that Mr. Parnell should proceed to America. He was not to proceed for the purpose of obtaining relief for the distressed peasants of Mayo and Galway. Little could have been thought about them then, as I have said, and nothing certainly was declared in respect of their position. He was sent to America for one object, as the resolution states, viz., to collect money for the purpose of supporting the Land League organisation, and to enable the Land League to carry its operations forward so as to arrive at its political result. We had ample proof that when the distress was made known in America, the Americans who had sympathy with Ireland or the Irish Americans did contribute liberally, most liberally, to aid those who still lived in the land which some of them had left. But, except so far as he declared his willingness to receive money, Mr. Parnell did not leave England with the object in any way of relieving this distress. He had to appeal to a class of men in America, and he had to place before them views that would enlist their sympathy, and so procure their support. He had to appeal to men whom by that time he must have known full well. Mr. Davitt had been to America. Mr. Davitt had laid the foundation stones of the alliance that was to come. He had in public and in private stated his objects; and before Mr. Parnell visited America Mr. Davitt had succeeded in winning the out-post which was to give him the command in the future of the position. He had secured the support of the Nationalists of certainly the west of Ireland, and, with few exceptions, as I shall show to you, the support of the whole of the Irish Republican Brotherhood. He had also, as I mentioned to your Lordships on Friday, brought Mr. Parnell into line—into line with John Devoy; into line with the American sympathisers and the Clan-na-Gael; into line with the extreme Nationalists, the armed Nationalists of the West of Ireland, plotting and planning for the overthrow of the British Government; and so after that alliance had been made, after the combination of the forces of the two wings of the army was complete, after there had been full acquiescence of Mr. Parnell in the views expressed by Mr. Davitt, and after certainly there had been ample and constant opportunity of counsel and deliberation between these two men, Mr. Parnell and Mr. Davitt, who now had become the leaders of the movement, Mr. Parnell went to America to appeal to the persons whom he knew formed the strength of his own movement, as it was become, in America.

My Lords, Mr. Parnell speaks at Liverpool on the eve of his departure, but I do not know, though the speech has been proved, that anything turns upon it; but, Mr. Parnell, as I think there can be no doubt, took with him letters of introduction from a Mr. Nolan. Mr. Nolan was one of the extreme section of Nationalists. Your Lordship will recollect that Mr. Parnell says (page 3993):—

- “I, myself, in the great movement of the Land League which we formed some years ago, and in which we were not helped by Mr. Philip Callan, however much we may have been impeded, was under considerable obligation to Mr. Nolan when I went to America. In that year Mr. Nolan wrote out to friends in America and got them to give me the right hand of fellowship, and throughout the whole of the United States, wherever I went, I found no stronger or more true men to stand by my side than the men whose sympathy and support Mr. Nolan had enlisted for the great movement.”

The question is asked of Mr. Parnell:—

“In 1885 did you know that M. Nolan was a Fenian?—(A.) I must have heard it.”

Of course, that date is not the date we are dealing with, but he must have heard it, and heard it in the past. I know that Mr. Parnell takes the view that this is not a completely correct statement of his, and he takes the view that he never had any communication with Mr. Nolan on the subject, and one of the witnesses stated that he thought this was a part of the electioneering exaggerations. I believe that was as to

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the friendship of Mr. Nally. But Mr. Parnell himself, at page 3965, when asked whether he did not obtain the advantage of these letters of introduction, says :—

“ I do not recollect. I think not. I think it is almost certain I did not.
 “ (Q.) Did you know Mr. Nolan ?—(A.) I think I must have met Mr. Nolan in
 “ 1879 amongst many others.”

He then apparently alters that.

“ I first saw Mr. Joseph Nolan in the autumn of 1885. (Q.) No knowledge
 “ of him at all ?—(A.) Not the slightest. (Q.) You are quite clear about it ?”

Then he says he has been speaking in confusion of persons.

“ You did not know this Mr. Nolan, the member for Louth at all ?—(A.) No,
 “ I did not know Mr. Nolan, the member for Louth, till the general election was
 “ coming on in 1885.”

Assuming the tone I wish to assume, as far as I can, unless I am driven to take a different view of those with whose conduct I am dealing, I cannot come to a different conclusion than that Mr. Parnell's memory failed him, and that when his memory was brought to bear upon more recent events it was the correct one, and that he did start with letters coming from a man who belonged to the Fenian body and who would be likely to give those letters (if not delivered with Mr. Parnell's hand), which paved the way for his progress through America; that he did have the advantage of Mr. Nolan's letters, and that such letters would naturally be addressed to those who sympathised with Mr. Nolan and his views. My Lords, at page 3991, again the question is put to Mr. Parnell.

“ Do I understand you to say you have no impression or belief one way or
 “ the other as to Mr. Nolan being a Fenian ?”

Mr. Parnell replied :

“ I have certainly an impression that he was connected with the physical
 “ force party in the old times.”

However that may be, though I am putting it to you that the advantage of those letters was secured to Mr. Parnell, Mr. Parnell sailed to do the best he could for the new organisation in America. Again, I have to refer to what occurred on the passage outwards. That, of course, is disclosed in the evidence of Mr. Ives. Your Lordships will find the evidence runs from pages 480 to 488. I will not read the whole of that evidence again, but this forms the summary of what is proved by Mr. Ives. The primary object, says Mr. Parnell, is to receive money for the Land League. He also informed Mr. Ives that Mr. Davitt, taking advantage of the threatening state of affairs in the spring of 1879, started the Land League movement; that, at the time when Mr. Parnell was speaking, 68 meetings had been held, which must and did include the meetings prior to the 21st October. “ Sixty-eight meetings had been held in favour
 “ of the Land League movement, and 30 local branches founded.” He also says to
 “ Mr. Ives, at page 483—

“ We cannot, of course, prevent all tenants from paying their rents, and
 “ there are cowards among them who have not shaken off their belief in the
 “ divine rights of landlords.”

My Lords, hereafter, when we are discussing the action of the Land League, I would ask that this view of Mr. Parnell's should be remembered by you. “ We cannot, of
 “ course, prevent all tenants from paying their rents, for some are cowards.” Those
 “ words mean that the willing tenants, who had only the obligation of the just rent to
 pay, and the means of paying it, were regarded as cowards if they discharged the
 duty of their contract and paid the fair sum for the rent.

Then, my Lord, in conjunction still with this, you have Mr. Parnell using these words, spoken in all cold blood :—

“ But a certain amount of pressure from public opinion, which in such case
 “ is apt occasionally to manifest itself in unpleasant ways, must be brought to
 “ bear upon those who are weak and cowardly.”

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Here was Mr. Parnell, not under the influence of the excitement that sometimes affects the public speaker, stating as he was sailing between Ireland and America, stating in the very inception of this movement, the cause that had produced it, the course it was going to pursue, and the effects which it would produce, which informs the listener that his idea is,—his wish is,—his intention I presume is, that a certain amount of pressure from public opinion, which is apt occasionally to manifest itself in unpleasant ways, must be brought to bear upon those who are weak and cowardly. And the weak and cowardly we know are the men, who having to pay just rent for the land they occupy, having the means of paying it, wished to pay it; we have here express words foretelling events that occurred in subsequent years. Here is given, not by way of prophecy only, but by way of arrangement and combination, circumstances that led to the crime which everyone has admitted has formed this blot in Ireland.

One or two more words Mr. Parnell has used. We come now to the words at page 487:—

“ A true revolutionary movement in Ireland should, in my opinion, partake
“ of both a constitutional and an illegal character. It should be both an open
“ and a secret organisation, using the constitution for its own purposes, but also
“ taking advantage of its secret combination.”

I did not wish to read the whole passage, but I see there are three lines above which I ought to read:—

“ As far as I have been able to gather, the Fenian organisation and its leaders
“ are opposed, though not hostile, to our movement, the reason being that it is
“ constitutional.”

And then the words follow which I have read. Perhaps your Lordship will allow me to read them again:—

“ A true revolutionary movement in Ireland should, in my opinion, partake
“ of both a constitutional and an illegal character. It should be both an open
“ and a secret organisation, using the constitution for its own purposes, but also
“ taking advantage of its secret combination.”

Well, there is no doubt about the accuracy of this statement. Mr. Parnell admits it to be correct. And now, side by side with that conversation, I know not whether Mr. Parnell cared to make it public or not, it was spoken by Mr. Parnell to a person who happened to be a newspaper reporter—is that which is alleged by the “Times” newspaper—is that which is alleged now by those who are advocates of the “Times” newspaper, that which is admitted by Mr. Parnell to be true, and which he admits he is willing to use for obtaining that which was, no doubt, a revolutionary end by a revolutionary movement. He is willing to use that, and to take advantage of the secret combination which he also terms an illegal combination. What was that? The wing of his own army—the Fenians whom Devoy had brought into line—he was willing to use them, they being a secret combination. Thus a statement is made, not by those whom Sir Charles Russell has attacked so vehemently, but a statement is made by Mr. Parnell himself, that those men who are wickedly forming a treasonable combination, and who are guilty of a treasonable conspiracy, were the men with whom he was desirous to act secretly, so that the public should not know of their combination, and yet he is willing to derive all the benefit that could be derived between an open combination and a secret agitation.

(*The President.*) Sir Henry, you will, of course, not take anything I say as an indication of opinion, but I call your attention to the explanation Mr. Parnell has given of those words.

(*Sir H. James.*) My Lord, it is still upon my note; and in the absence of Mr. Parnell's counsel I should not for a moment have thought of passing that, without stating this was put to Mr. Parnell, and that Mr. Parnell did put his view of what he meant by “a true revolutionary movement.” And he gives his explanation. I am asking you to judge, and it is for your Lordship alone to judge whether these words do or do not render this language rightly susceptible of Mr. Parnell's explanation. I have it in a further part which I will allude to when I am dealing with the secret and open combination.

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It is what I feel—I am suffering very much from having a burthen thrown upon me, and from the consciousness of a possible forgetfulness of facts. If you have it in your mind I need not dwell upon it further.

(*The President.*) I have it in my mind, but I want to hear what you say.

(*Sir Henry James.*) I have to deal with the open and secret combination afterwards; therefore I am very glad that your Lordship noted that Mr. Parnell has given his view of the meaning of that phrase. Would you allow me to postpone dealing with that meaning until I come to it in the ordinary course of the observations I have to address to your Lordships.

Then two other statements were made by Mr. Parnell. First he says at that time the League had only received 1,200 dollars when he left Ireland; so that there could not be any sum collected for distress at that time when they left Ireland. He also was saying what had been his plan of action when he reached America. He also says at page 488 that plans had been made for him in America by an American committee. That is at page 488, where he says:—

“I expect to remain in New York a few days to attend a meeting which I understand has been arranged for. After that, much will depend upon the plans made for us by the American Committee.”

My Lords, we shall now see who they were, I think that brings us to Mr. Parnell's landing, which would take place, either at the very close of the year 1879, or the first day of January 1880. You will recollect that one of the statements made in Parnellism and Crime, and which is to be found at page 197 of the Blue Book, as part of the proceedings in *O'Donnell v. Walter*. “Mr. Parnell and Mr. Dillon sailed for America, and immediately communicated with Mr. Ford and the principal Fenian ex-convicts. Upon landing you will find that he was met by John Devoy.” Your Lordship will find that at 3977, where Mr. Parnell says, being asked:—

“ (Q.) Who did you first meet in America? Did you meet Mr. Devoy?—
 “ (A.) I think the very first man we met—it was not exactly in America, because it was on board the steamer—was Mr. John Devoy, who boarded us (he was in the employment of the “New York Herald”) for the purpose of obtaining the latest news for his employers. (Q.) Whatever the purposes was did, you not see Mr. John Devoy in America, repeatedly in America.—(A.) Repeatedly in America. (Q.) You knew Mr. Devoy was a Fenian?—(A.) I knew that he had been connected with the old physical force struggle in Ireland, and had suffered for it.”

Then, my Lord, at page 3569, you will find that Mr. Parnell gave more detail as to his knowledge of Mr. Devoy. He had known he had been in prison for Fenianism, and that he was a man of advanced revolutionary ideas, who thought Ireland could be only be benefited by physical force and fighting in the open field. Well, Mr. Devoy was the first person who met Mr. Parnell; and to whom does he appeal? Now, says Mr. Parnell, when he went to America, the only persons who took an active interest at that time in Irish affairs were men of revolutionary physical force ideas. It is page 3977, the same page I quoted from.

This is Mr. Parnell's answer to a question about Breslin. He says:—

“I cannot say I thought very much about it at all. I believed that so far as any active interest was taken at the time of my going to America by Irishmen in the Irish question, it was taken by the men of revolutionary physical force ideas. I believe that that party was limited in numbers. I believe that the great bulk of the Irish people in America, until I went there, did not take any interest at all in Irish politics.”

My Lord, I think Mr. Davitt has expressed views that are somewhat similar as to persons who took an interest in political affairs. But such being the case, it was not unnatural, perhaps, Mr. Parnell should find himself, as he did, directed by a committee for the most part formed of men belonging to the extreme physical force party, and find himself associated with those men.

Now my Lord, as to Mr. Parnell seeing Mr. Patrick Ford, Mr. Parnell says that he did not see Mr. Patrick Ford. He says later that Patrick Ford at that time was a

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great friend of his, but I do not gather from Mr. Parnell, taking the two expressions together, that it was a friendship of association. It was probably more a friendship of ideas and political thought; but whether he saw Mr. Patrick Ford or not, and I take it from his statement at page 3886 that he did not see him: he says—"As regards Mr. Patrick Ford I have never had the opportunity of meeting him." But what happened? That being met by Mr. John Devoy he sees Mr. Augustine Ford, who, I believe, is a nephew. There are two gentlemen, one Mr. Austin Ford, and one Mr. Augustine Ford; Mr. Austin Ford is the nephew.

(*The President.*) Austin, I thought, was the short for Augustine.

(*Sir H. James.*) No, they are two gentlemen, my Lord. One is the nephew, and the other is the brother. I am told Mr. Austin Ford is the brother. It seems so very immaterial—it is either the nephew or the brother. Mr. Parnell says Mr. Austin Ford was the representative of the "New York Irish World." It seems also that it was stated by the "Irish World" itself, an authority upon the subject, at page 3373. It appears in the "Irish World" of 23rd December 1880, and is reported at page 3373. It is given as a statement of an individual that "when Messrs. Parnell and Dillon landed in America, their next step was to cross the threshold of the 'Irish World' office." Then it states—I do not know how far Mr. Davitt will accept the statement—Mr. Davitt was the child of the "Irish World" This is the statement:—

"He went on to say that when Messrs. Parnell and Dillon landed in America their next step was to cross the threshold of the "Irish World" office, and that Mr. Davitt was a child of the 'Irish World.'"

I do not think that was put directly to Mr. Parnell, but he never, in his examination in chief, has denied that statement. And my Lords, taking it that Mr. Parnell was in communication with this near relative, Austin Ford, that he went to the "Irish World" office, taking it that at this time according to the view I have presented, that Mr. Parnell regarded Patrick Ford as his friend; and also, that when he was leaving America he telegraphed to Mr. Patrick Ford and that telegram, which your Lordships will recollect was telegraphed to him amongst others, for the purpose of calling a Convention, which is mentioned at 3897. I think we may take it that there was at that time a strong agreement, amounting, certainly, to co-operation between Patrick Ford, whose views we have hereafter to discuss, and Mr. Parnell.

Apparently, before leaving Ireland, Mr. Parnell had written out his views to the "Chicago Daily News" in the letter dated the 12th December 1879, which is set out at page 4017. In that letter Mr. Parnell announced that the Nationalists who had been regarded as Fenians, Repealers, and Home Rulers, had found a common platform and watchword "The Land for the People." Well, my Lords, of course that is paving the way—by these terms of self government—these words of doubtful use, he is paving the way for action with the Nationalists; and he had so announced, and knew, too, that the persons who were acting at that time were persons of revolutionary ideas, who were active and desiring to employ physical force.

Now, my Lords, we see with whom it is Mr. Parnell acts. We have him in direct communication with John Devoy, who certainly comes under the words the "Times" has employed, namely, that of "ex-convict," and Mr. Augustine Ford, who had been, as we shall see, up to 1877, connected with the Skirmishing Fund.

My Lord, I am sorry at the confusion which has occurred, and that Augustin and Austin Ford should be regarded as one person, and should lead me astray. Austin Ford, I think, is the person I am speaking of. If it is Mr. Austin Ford, it carries one step of the relationship away. I think he is the person who, in 1877, ceased to have connexion with the Skirmishing Fund; I am so informed. Then at page 3977 we find him in communication with Breslin. Well, it has been put to him, and his view is that he does not recollect him. But I think you will find hereafter proved in a document to which I shall have to refer, that Mr. Parnell's memory on that point very likely does not carry him to a correct conclusion. And, I think, Mr. Parnell is not very positive about it, because it is put to him:—

"Did you know him, and his answer is, I must have known him if I was introduced to him, but I could not tell you what sort of a man he was."

Then, my learned friend says afterwards—

"Now, you met Breslin. Did you see J. F. Finnerty?—(A.) At Chicago, and also at New York."

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So that matter seems to have been in Mr. Parnell's mind. He then meets Condon. At page 3995, you will find his evidence about it. O'Meagher Condon was one of the persons convicted at Manchester upon the charge of having murdered Sergeant Brett:—

“ O'Meagher Condon was, I think, one of the released prisoners in connexion with the Brett murder, was he not? (A.) I think so. (Q.) Did O'Meagher Condon arrange for your meetings at Washington? (A.) Not so far as I know. He took a prominent part on the reception committee, and he may have been the chairman. (Q.) I put it to you. At Washington was not O'Meagher Condon chairman of your reception committee here? (A.) It is very possible he was. I have no specific recollection of the fact. (Q.) Did O'Meagher Condon arrange for your reception—I think it was at Congress you spoke of making a speech, was it not? (A.) At Congress, yes: (Q.) Did O'Meagher Condon arrange for your introduction to the American Congress? (A.) I do not understand that. (Q.) But do you say he did not? (A.) The resolution was introduced by some United States Congress man, and it was carried by a majority.”

Your Lordship will recollect that Mr. Parnell had told Ives that his tour was to be arranged by an American committee. Now we will see who those were. Dr. Carroll was the person principally in charge, and of whom, when we come to discuss the action of the Clan-na-Gael, I shall have a great deal to say. P. 3995—

“ Now I must take one or two other names, if you please, with reference to persons who did personally arrange for your meetings and visits. I am confining myself to that. Did Dr. William Carroll arrange all your meetings at Philadelphia? (A.) Dr. William Carroll arranged for our meetings in the coal and iron districts.”

That, my Lord, of course is an important district in Pennsylvania with Philadelphia for its capital. I am departing from Mr. Parnell's own admissions.

I have now to refer your Lordships to the evidence that is given at page 2480 by the witness who has appeared here under the name of Le Caron or Beach, who gives an account of those who managed Mr. Parnell's meetings, and the persons with whom he associated. And, my Lord, as this is the first time that I have mentioned the name of Le Caron, I ask you to let me pause in my narrative to say a few words in relation to that witness's position here. It is justice, I think, to that witness that I should deal, not, perhaps with his interests, still less ought I to say his fate, but it is due to that man after what has occurred, that something should be said of him, and I say it openly on his behalf. My Lords, who is this man on whose evidence much depends in this case, on whom I have to ask you to rely, whose word I ask you to accept. As far as I know that man's character apart from anything that took place in America, in connexion with his conduct towards the Clan-na-Gael is unimpeached. He has given an account of his life from its earliest hours. He told you who he was, and what had been his life. Mr. Davitt used some language which I think, only by those who did not follow Mr. Davitt closely, would appear to impute that that man had been drummed out of his regiment. But I heard Mr. Davitt, and I do not think for one moment that he intended to suggest that. It was a figurative expression in saying he was in the same position as a man who had been drummed out of his regiment.

But I know those words have been misunderstood; and I am sure Mr. Davitt will allow it to be said in his presence, that he did not intend to convey any such impression. That young man, when a very young man, left his home in the country, and went to France. In 1861, when still young, he reached America, and joined in the American war—the war between the North and South—he obtained distinction while serving in the army, attaining the rank of major. He learned shortly after the war came to an end, by communication with the officials, of the intended attack upon Canada. It was a treasonable attack upon an outlying portion of the Queen's dominions. It was an attack against men, Canadians, who would have to bear it, who had taken no part in the mis-rule, if mis-rule there had been, according to the opinion of any one in Ireland. And Le Caron, who was true to his allegiance to this country, naturally communicated

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what he learnt to his father. The representative of the borough where his father lived was told of this, and he thought it his duty to place the information in the hands of the Government. And in consequence of that, with the sanction of the representatives of the English Government, Le Caron was asked to obtain information when these treasonable practices would be commenced, in order that they might be counteracted and defeated. And so, my Lord, that man, with the sanction of the Government, placed himself in communication still further with those who were traitorously acting in America, and from that time, certainly the year 1867, down to the period when he left America to appear in the witness box, he had been playing a part in the interests of his country alone.

My Lord, it is true that he did from time to time impugn the oath, the promissory oath, that bound him, it may be said, in contract to those who were thus plotting—plotting as I shall have to show you, not only the open and more hostile warfare of the field, but plotting the assassination, plotting the destruction of life and property of thousands of people. And for 20 years that man held his life (as the term is) in his own hand. He never could have had one moment of security—he never could have had one moment of certain repose, either in his active or in his home life. One letter misdirected, one person unfaithful to their trust in the post office, an accident any hour occurring, and that man's death in the moment was as certain as a person's death must be in the ultimate result of life. My Lord attacks have been made upon him—attacks made upon him first by those who personally have appeared in this case. I presume that the attack must be based upon this, that he took a promissory oath of secrecy. My Lord, I ask on whose behalf is it that complaint is made? Is it made on behalf of the men who were thus plotting these assassinations, who had not the courage to disclose themselves, and who required the secrecy for the purpose of avoiding the punishment that, of course, would follow; these men, who as enemies of the human race, and as the lowest and most degraded human beings that can exist, were planning and plotting the destruction of human life by dynamite, are these the men on whose behalf an appeal is to be made, that honour has not been maintained between them, and the man who took the oath of secrecy? I purposely refrain from discussing the question how far a promissory oath can ever be broken. I must leave that. I must leave every one to settle his own view. They are moral questions, and I am not going to discuss this upon its highest level. I must leave that to be determined by men who think that evil sometimes must be done, or may be done, in order that good may come. I must leave that equally to be determined by those who, within their consciences, boast that they can one day take an oath of allegiance to be true to the Irish Republican Brotherhood, and endeavour to secure that, and the next day take an oath to be true in allegiance to the Sovereign of these realms.

These are grave questions which may, undoubtedly, affect men, but I leave them to be settled by the moralist, the theologian, and the casuist. They are not fitting discussions before this tribunal, or in this inquiry. But, my Lord, there are some pressing questions that are fitting considerations, affecting the conduct of this man. What has this man been? He has been simply a detective on the part of his country—on the part of innocent and unprotected subjects of this country—unprotected against the machinations of these assassins. If a detective assists in detecting crime which has occurred, so that the criminals shall be brought to justice, the community applaud him, and some of your Lordships may have had the duty of calling that man before you, and bestowing upon him praise, and offering him reward. What is that but simply giving praise to the exertions of a man who, after a crime has been committed, has detected the criminal, and for it is so commended, and has such a return made to him. But here is a man who, with the risk, probably, that no human being has ever been subjected to before, played the part of detecting crime before it occurred, not only playing the part of aiding in bringing criminals to justice, but in preventing the consequences of the plotting of crime, and thus saving the lives of those who have no other protection, and this man, detective as he has been, has been employed by the British Government for the protection of its subjects from the machinations of these assassins, who are regarded as belonging to the human community; this man has been made the subject of attack by those who have talked about the honour that a man should bear, and bear in relation to those whom he had thus been simply preventing committing crime.

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My Lord, there is one passage in my learned friend Sir Charles Russell's speech which I cannot help making reference to for one moment. To suppose that my learned friend could have exactly meant what he said, I am sure is impossible; or, if he did, I am sure he had not the facts of this case in his mind. As I said in the commencement, my Lords, of these observations to you, I have not come here to measure swords with my learned friend, or to carp and cavil at his speech, but there was a portion of it caught my ear at the time, and which I deeply regretted to hear my learned friend utter; my Lord, that speech must be referred to, and that speech must be answered. It is against those words that I seek to make a protest, a protest, I believe, that will meet with sympathy from every person who desires to see crime detected and crime punished. My Lord, what my friend, Sir Charles Russell, said on this occasion was—

“Here was a man about whose odious profession I will not waste breath in talking. The state of society has something faulty in it when the employment of such men can be excused, can be defended, and can be necessary. I will not waste breath in talking of that. His life is a living lie. He is worming himself into the confidence of men (presumably honest, however mistaken in their views) only to turn it into money, and betray it. But he says it was important; most obviously it was important.”

My Lord, in the same way on the next page, my learned friend, to some extent, referred to this man, but it is enough. He says, “The state of society must be wrong that excuses; excuses the employment of such men.” I ask who employed Le Caron. He has been employed since the year 1867. As I said to your Lordships, 20 years have run since he has been engaged in these transactions; and he is the one who told the result of what he heard, and what he knew by way of warning to the representatives of the English Government. If he has been paid, he has been paid by money that was paid with the acquiescence, if not by the very hand of English statesmen during the 20 years he has been so engaged among them, many of the highest and most honoured men, who, acting to the best of their judgment, received from him the result of his acts in America. Are all those the men whom my learned friend attacks? And in attacking Le Caron as he did in the witness box, who is he attacking? Is he attacking those eminent English statesmen, some of them the associates of my learned friend? Is he attacking them too, for it was with their acquiescence he was employed and paid? Is he attacking the men who were seeking to save the lives of human beings? I wonder what would be said of any statesman, or of any human being, who, if they had been told, here you can obtain information that shall put you upon the steps of the criminal that shall tell you when the raid which is to be made in Canada, when the public buildings of London are to be destroyed, and when human beings are to be blown up, when the destruction of Parliament, as it sits, is to be attempted—here is a man who will give you information as to all this, I wonder what would be said of the minister of State who had satisfied himself of the reality of these suspicions, and had said we will hear none of these, we will obtain no such information, we will let men go to their doom and their death, we will let destruction come, because honour must be kept with these gentlemen, and we will not allow this detection to take place.

My Lords, these men would have been almost, if not accomplices, participators in crime; yet it is while they deem it right to take this course, the man who has run all this risk, and produced all these results, is attacked in the language of my learned friend, and is held up to contempt and to scorn by a man who, whilst far from being the advocate of these persons, yet is complaining on their behalf, and speaking of Le Caron in the language I have referred to.

My Lords, what did my learned friend mean? After reading the document directly approving these methods of assassination designed by these men, against whom Le Caron now has given evidence, and has proved their intention to commit crime, as I will demonstrate to you, what is the meaning of the leading advocate, perhaps, of the English bar, saying they are presumably honest. My Lords, that could not have been, as I say, with knowledge in my friend's mind—if that be the view of my learned friend—that the men who were thus plotting assassination are to be presumed to be honest, all I can say is, whilst I can speak only for myself at least, there shall be a voice raised in protest against such a construction going forth, as probably these words have gone forth, to almost the civilised world, and I will undertake to say that

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these words of my friend's, spoken without sufficient consideration of his facts, cannot, and no not, represent the views of a high-minded English gentlemen.

My Lords, having thus digressed for a moment on behalf of Le Caron—I felt it, as I said, due that I should do so—I now propose to prove to your Lordships the truth of what Le Caron has said, and I do undertake to say that I will give to your Lordships corroboration after corroboration of Le Caron's statement in these general observations (in respect to the reliance you may place upon him) which I hope you will allow me to make.

My Lords, I do not understand that my learned friend Sir Charles Russell was asking you to come to the conclusion that Le Caron's evidence was one long tale of falsehood. I did not understand him to suggest that one of those documents had been concocted, or were forgeries. Mr. Davitt did say he did not admit them to be true; but those are the only words, I think, throughout the whole of this inquiry that have been placed before your Lordship suggesting—taking it as a whole—that Le Caron's statement is to be impeached as the testimony of a person not telling the truth.

Of course, my Lords, there have been particular suggestions, such as the interview with Mr. Parnell, that Le Caron has not placed before your Lordships the exact state of circumstances; but as to his intention in the main to be truthful or untruthful, I have not heard remarks made that will at all deteriorate from the weight of his evidence. My learned friend Sir Charles Russell claimed him as a witness for Mr. Parnell, and the most important witness in this case. He gave him the designation of a "*Diabolus ex machina*." What does that mean? It means that Le Caron ought to have weight attached to his testimony. My Lords, Mr. Davitt did not cross-examine him; and now remembering that by the production of this document Le Caron has introduced before your Lordship the names of persons so numerous that I have not devoted time to count them, but who may certainly be classed to the extent of scores and scores of persons as taking part in proceedings of vast importance, some of which will affect the character of those actors during every hour of their lives, yet, with all the resources at command of those who have appeared here, and all the power of producing witnesses by presenting them here, or examining them by commission in America, and remembering—although seven or eight months have elapsed since Le Caron has given his evidence—not one human being has either appeared before your Lordships or offered to be examined at his own home to state that one word that Le Caron has said of him is not correct. Of course, my Lords, I except from that statement the contradiction, so far as it goes, which I shall show your Lordships is of a very limited character as to the interview with Mr. Parnell. There was some slight difference in Mr. O'Kelly's view of what took place from Le Caron's. With those exceptions, whilst there are very many scores of persons who could say all this is incorrect that Le Caron has stated in respect of me, or in respect to my colleagues and associates, not one person has ever ventured, as far as I know, anywhere to say that his statement was untrue, and no one has come forward in evidence so to state. From the position he has occupied, from the nature of his testimony, from the amount of refutation, and hereafter the corroboration of his testimony, which I shall show you exists, I would ask your Lordships to come to the conclusion that what this witness, Le Caron, has said is true.

Now, my Lords, I am happy to say that I have to return to his evidence which he gives in respect of Mr. Parnell's movements. You will find his evidence at page 2480. He says in his examination in chief that, during the eastern and western tours, the arrangements were in the hands of the revolutionary party, and he gives some 13 names, Alexander Sullivan, which is correct; Finnerty, which is also correct; John Devoy, who was the trustee of the skirmishing fund; Breslin, also the trustee of the skirmishing fund—all of them have been, by Mr. Parnell at least, I say, regarded and admitted by him as having taken part in the arrangements. He also gave other names, not so well known to us in this inquiry, not so conclusively proved to have taken part in the extreme action, but according to Le Caron they were men also of extreme views. And, my Lords, I think I am right in saying that those names so mentioned by him were of persons who were members of the Clan-na-Gael.

(*The President.*) Of the United Brotherhood.

(*Sir H. James.*) My Lords, at page 2480, and question 43,448, he is asked "Are those all of them members of the U.B.?" which of course is synonymous with the Clan-na-Gael—"(*A.*) Every one."

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Now, my Lords, I wish of course at once to say that my learned friend Sir Charles Russell's effective cross-examination modified that evidence, and the witness confined the statement as to the arrangement of the full tour to certain towns on the western tour, and then it was modified to specific instances given on that tour, for this reason, that he became personally acquainted with the events of such visits, and it would be, I presume, likely enough that he had gathered from hear-say, which of course would not affect your Lordships, as to the other places, and so he had spoken in chief; but when pressed as to his personal knowledge, your Lordships see he limits it, and that limitation you will find at question 45,449, and the following answers. Perhaps your Lordships will tell me when you wish me to read anything.

(*The President.*) You did not give me the page.

(*Sir H. James.*) I beg your Lordship's pardon. 45,467 is the question. I will give your Lordship the page in a moment.

(*The President.*) Now I have it—2682.

(*Sir H. James.*) 2682. "All members of the Clan-na-Gael." Will your Lordships note that Mr. Parnell admits at page 3978 that the Clan-na-Gael is synonymous with the Fenians or United Brotherhood of America.

My Lords, at page 3978, Mr. Parnell is asked, at question 59,528, this:—

"Are you drawing a distinction between 'Fenian' and 'Clan-na-Gael' ?—
 "(A.) No, I understand that when you are speaking of the American branch
 "of the question, when you say 'Fenian' you mean 'Clan-na-Gael.' And
 "Mr. Parnell said, 'I do not desire to shuffle with you.'"

Then, my Lords, at page 3979, he says he had not heard of the Clan-na-Gael in the first instance, and in answer to question 59,558, he says:—

"I heard of the Clan-na-Gael for the first time when I was in America,
 "towards the end of my tour. (Q.) What did you hear of it as?—(A.) I heard
 "of it as the secret society corresponding to the I.R.B. of Ireland, and that
 "it was a mischievous body. I heard of it from an opponent of the
 "Clan-na-Gael."

Then, my Lords, he is asked at question 59,560:—

"Now, I must ask you this, had there not appeared in the 'Freeman'
 "of the 17th of October 1879——"

I would delay that for a moment, that is the Skirmishing Fund. Your Lordship sees that Mr. Parnell speaks of it as a mischievous body; but, my Lords, I gather from Mr. Davitt's speech that he does not regard these people as being of the character that Mr. Parnell wishes to describe them. Mr. Davitt describes them, and I will give your Lordships the reference in a moment, as persons of the very greatest respectability, and describes them in the same way as he describes the members of the Land League, as being persons occupying high social positions, and persons who would be likely to act discreetly and legally. My Lords, if you will allow me, I will give you the reference in one moment, it has passed away from my note. Your Lordships will recollect, too, I have read out to you the names of three of these persons who were the trustees of the Skirmishing Fund. I shall have to deal with the Skirmishing Fund hereafter, but I have shown that the Skirmishing Fund was not a secret organisation in the strict sense of the word. On the 1st November 1879 a letter appeared in the "Freeman's Journal." Perhaps, before reading that your Lordships will allow me to give you now the reference which had passed from my note of Mr. Davitt's view of the composition of the Clan-na-Gael. It is at page 5599, Question 86,766:—

"What do you say as regards the people connected with it?—(A.) I have
 "already said, I think, that when I was intimate with it in 1880——"

Which was the same year as Mr. Parnell's visit.

"It embraced some of the best men of the Irish race in America; judges,
 "professional men, merchants, men of the highest respectability, men of civic and
 "other Government position, men who would have nothing to do with such an
 "organisation if it countenanced crime or assassination in any way."

Then, my Lords, by way of contrast, I do not know that it is very material, at page 5591 Mr. Davitt described those who belonged to the Land League, and he says

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it was composed of professional men, judges, merchants, and men of the highest respectability.

Now, my Lords, I was saying that on the 1st November 1879, there appeared in the "Freeman's Journal" a letter from the trustees of the Skirmishing Fund. You will find that at page 3980. It is specifically called to Mr. Parnell's attention on this page, at Question 59,560.

"Now I must ask you this, had there not appeared in the "Freeman" of the 17th of October 1879, that is to say, a few days after the formation of the Land League, and immediately preceding your visit to America, a manifesto signed by those very people whom I have been asking you about, William Carroll, Thomas Clarke Luby, J. J. Breslin, Thomas F. Burke, James Reynolds, and John Devoy?—(A.) I think it is very possible."

Then, my Lords, the letter is put to Mr. Parnell, it is a letter addressed to the Irish people in the United States, and it is copied into the "Freeman's Journal" of the 1st November 1879, and it is signed, my Lords, by these men who were trustees of the Skirmishing Fund, Carroll, Luby, Breslin, Reynolds, Devoy, and Augustine Ford, the secretary. I think it right, as I have read it, to say that Mr. Parnell said that he had never seen the document himself. It is put to him, and he says he has never seen the document before.

Now, my Lords, this has been published to the public. It seems as we read the letter that it was taken as accepted that the National Fund and the Skirmishing Fund were the same. It was proved over and over again in the case it was first called the Skirmishing Fund, and afterwards, for reasons of prudence, the name was changed to the National Fund. The letter says—

"Fellow countrymen, the threatening aspect of affairs in Ireland calls for prompt and vigorous action on the part of the Nationalists in this country. It is no time for idle talk but for serious preparation for the stern work that is before us. The national movement is fast approaching a crisis when its members must be prepared to make larger sacrifices and work with redoubled zeal, so that the hour of trial may not find them unprepared. In view of the change in the situation, it has been decided, with the concurrence of several trusted friends in the National party, to enlarge the board of trustees of the National Fund, and to appeal once more to the Irish people here for their support. The National Fund was started with a view of providing the means to strike a telling blow against England whenever an opportunity should present itself. Its object was at first distinct from the general movement for Irish independence, and not influenced by any particular crisis in Ireland calling for immediate action. Its originators never calculated that it should perform more than a small portion of the work of driving the foreigner from the soil of Ireland. It was intended in short to hasten, if possible, the advent of Ireland's opportunity by inflicting injury on England at vital points and at critical moments, while showing the Irish people the immense power lying unappreciated in their hands for the destruction of that empire which has robbed them of land and liberty, and driven them homeless over the earth."

Then, my Lords, the letter which is before you proceeds at length to state certain facts, and this is a material part which I wish to read:—

"It was seen also that the commencement of such work would force on a crisis in Irish national affairs and that the National party would be compelled by the circumstances thus created to take action for which they were not prepared. After earnest consultation with the trusted men of the National party, it was decided that preparatory steps only should be taken, and that all action like to precipitate a crisis in Ireland should be postponed to a more fitting opportunity. It is only by the closest union and the most complete concert of action that the Irish people can hope to succeed in overthrowing English domination, and all the branches of the Irish National party must act as the divisions of an army animated by a common purpose, and guided by an authority whom all must recognise toward the point where the enemy is to be met."

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Then, towards the conclusion, my Lords—

“ We do not wish to provoke a hopeless resistance, but wholesale evictions
“ at the bayonet’s point are sure to end in bloodshed, and many will prefer to die
“ like men defending their homes from the foreign robbers than to live paupers
“ in the workhouse, or starve by the roadside. The action evidently contemplated
“ by the English Government may provoke such a conflict between the people
“ and the foreign soldiery as will precipitate a general movement. This is a
“ danger which must be foreseen and provided for.

“ In the event of such a conflict the funds at our disposal—”

These are the trustees who write—

“ shall be used to enable the people to stand by their homes, to strike down the
“ robber-rule of the landlord, and to inflict speedy punishment for acts of cruelty
“ and murder. We know the consequence of the steps it may be necessary to
“ take, and do not hesitate to assume the responsibility. Will you share the
“ responsibility with us, and enable us to take really effective measures, sustaining
“ the fund ? ”

Of course, this was published on the 1st November in the “Freeman,” the newspaper having a very, very great circulation—published for the purpose of being read, and, I presume, was read. I can only take Mr. Parnell’s evidence when he says he did not see it; but it certainly must have been circulated amongst those who were the leaders of the Land League at the time.

One word about the Skirmishing Fund. Its objects were so known that no one, I presume, would have thought of communication with such a body, whatever they may have done with the Clan-na-Gael, at that time. But your Lordships will recollect that from this fund, accompanied by a letter, a sum of money was sent by John Devoy. I think on Friday I stated the sum of money I am referring to—the 408*l.* which was sent by Mr. Patrick Ford. It was sent absolutely physically by Devoy; but a letter accompanied that sum, or was written contemporaneously with the sending of it, by Patrick Ford, saying that the fund, when it came to Mr. Davitt’s hands, came from the Skirmishing Fund. Your Lordships will recollect that when Mr. Parnell heard of it he objected to it, and wished to make the advance out of the Land League funds to repay that amount. The exact time when that objection was made I cannot fix; it was made after the formation of the Land League, and was made, I think, before Mr. Davitt’s tour in America, in 1880. I presume Mr. Parnell was objecting because it came from that source.

(*Mr. M. Davitt.*) I am sorry to interrupt Sir H. James, my Lords, because he has been very kind to me; but I think your Lordships will find it is proved in my evidence, and repeated in my speech, that this transaction occurred in August 1879, two months before this thing appeared.

(*Sir H. James.*) Certainly. This is the repayment. No doubt; we quite agree. Mr. Davitt was anxious to have arrangements made for a lecturing tour, and he wished to obtain that money. Instead of making the arrangement, the trustees of the Skirmishing Fund in August 1879 advanced the sum which has been at different times called 308*l.* and 408*l.* That was repaid by Mr. Davitt out of his own personal resources afterwards; but I am right in saying that at some time Mr. Davitt found Mr. Parnell and Mr. Dillon also objected to that money, it having come from the Skirmishing Fund.

(*Mr. M. Davitt.*) They learned about it for the first time.

(*Sir H. James.*) I quite agree with Mr. Davitt’s view that it was not an application in combination with Mr. Parnell. It was from the resources of Mr. Davitt, who then had not got the Land League founded, and probably at this time scarcely had got Mr. Parnell’s acquiescence. He wanted it for the purpose of carrying on the movement, as I read on Friday, and he made application for assistance, and when it was obtained from the Skirmishing Fund, and after it had been obtained, Mr. Parnell and Mr. Dillon knew of it and objected.

There is one point in relation to this sum, and the action of the Skirmishing Fund, which I had better conclude your Lordships will find in a reference I will give in one moment, that this sum of money is mentioned in the accounts of the Skirmishing

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Fund. It is mentioned by Mr. Davitt in his speech with approval. That is one of the documents produced by Le Caron, and Mr. Davitt appropriates the proof given by Le Caron as being confirmatory of his view. This is an audit that takes place in the year 1881. You will find that which I am referring to at pages 2548-9. I think the time of the audit is in August 1881. It is at the Chicago Convention this evidence is given. There is a report of the Skirmishing Fund referred to.

"Were you present?"

Le Caron is asked,

"When the report of the Skirmishing Fund was presented?—(A.) Yes. (Q.) Did you take the figures down?—(A.) Those are the figures. (Q.) Did you take them down?—(A.) Yes. (Q.) Are those the figures?—(A.) Yes, taken at that time. (Q.) Perhaps I might read them, and you can check them, if you please. Find the figures if you please."

Then the two sides of the account are given. Amongst the expenditure we find the item "Land League trial, Davitt \$1,532." It is at question 44,012.

(The President.) What does "Land League trial, Davitt," refer to?

(Sir H. James.) That refers to this advance. This amount has been sometimes spoken of as 408*l*.

(The President.) I was asking you, in passing, what that item of "Land League trial (Davitt)" means?

(Sir H. James.) This amount which has been advanced.

(The President.) What trial is it referring to?

(Sir H. James.) The experiment of the Land League.

(Mr. Michael Davitt.) I explained in my speech it might possibly refer to my prosecution in Sligo in 1879.

(The President.) That is what I wanted to know.

(Sir H. James.) That was never repaid?

(The President.) Is that a part of what was repaid?

(Sir H. James.) Will you allow me to point out that Mr. Davitt has been speaking of this sum, as we have spoken of it, as 308*l*. That, allowing for exchange, is 306*l*. 2*s*. Now, I will read what Mr. Davitt says about it. I really thought there was no question whatever about the amount. This is what Mr. Davitt said in his speech, at page 6336, dealing with this very sum of money that we have been dealing with:—

"Now, my Lords, with reference to this matter, the mention in some 'U.B.' circular produced by the spy Beach, of a money item in connexion with my name, has reference to the remittance from Ford and Devoy, already explained."

I read this because we put the hypothetical view, that "the trial" meant the experiment. After this statement of Mr. Davitt, to which I listened, I really thought we were reaching common ground. This is page 6336 of Mr. Davitt's speech:—

"Now, my Lords, with reference to this matter"

which is the matter we have in hand

"the mention in some 'U.B.' circular produced by the spy Beach, of a money item in connexion with my name, has reference to the remittance from Ford and Devoy, already explained,"

I may have missed it. I am speaking in Mr. Davitt's presence. I do not know of any other sum of money mentioned in connexion with Mr. Davitt's name than this, and I may take it that there positively is no reference to any other sum of money, and Mr. Davitt says this is it:—

"No evidence whatever has been given to show that this item related to any other transaction."

That is the remittance transaction, not the trial in Sligo.

"No other moneys but the sum already referred to and explained by me was ever received by me from any revolutionary fund in America or elsewhere since my release from prison in 1877, and I again and finally deny as absolutely

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“ untrue the allegation that I helped to found the Land League with money which
 “ had been subscribed for purposes of outrage and crime.”

Of course that is Mr. Davitt's view. At page 2744, in Le Caron's evidence, appears the account again. I think this is to his camp, the Braidwood Camp:—

“ Trial Land League, Davitt, \$1,532.”

Mr. Davitt says in his speech, and I take it from him, those are the only instances in which his name is mentioned. Mr. Davitt accepted this advance, or call it what you will, an application for assistance for a lecturing tour; but he received it contemporaneously with a letter from Patrick Ford telling him it came from the Skirmishing Fund; and here we have this item appearing in this connexion.

Now I have to ask your Lordship to note two things, apart from the chain I am endeavouring now to weave in relation to this item. In the first place, what had the Clan-na-Gael, composed, according to Mr. Davitt, of all these respectable people in America, to do with the auditing of the accounts of the Skirmishing Fund. My Lords, whether the letter of November 1st, 1879, had or had not met Mr. Parnell's eye, read as it must have been by persons in Dublin, the character of the Skirmishing Fund was known to everyone of these respectable professional men and bankers in America. At least, they were a club for destruction of life and property, and their accounts are audited, and they have to render account and make declaration of the honesty of their conduct in the appropriation of their funds to this Clan-na-Gael body. The second observation upon it is that here is one of the numerous instances I shall have to give your Lordships of the absolute corroboration of Le Caron, and his testimony. This account that he produces, written out as he states at the time, showing this return, Mr. Davitt claims the benefit of as being a proof that that money had been advanced in the manner stated; and he points to it, and says: “ There is the item that came
 “ from Devoy and Ford in the manner which I have stated.”

(*Mr. M. Davitt.*) The same audit was published in the “ Irish World ” of 1872 or 1873.

(*Sir H. James.*) Not 1872 or 1873.

(*Mr. M. Davitt.*) 1882 or 1883.

(*Sir H. James.*) All the better. If that is so, I will take it there are some acts for which no shame is felt. That statement is made. Of course, there has been no proof of it. If the proof is given, all the more confirmatory is the thread which I am placing before your Lordship, but what then? It does not affect the question that the Clan-na-Gael were auditing the account of a set of assassins. I do not know whether the suggestion means that this has been copied by Le Caron from that “ Irish World.” If it were, Mr. Davitt, who has displayed great powers of cross-examination, surely ought not to have been silent, and allow Le Caron to go out of the box uncross-examined, and my friend, Sir Charles Russell, ought to have put these things to him. The genuineness of this document has never been impeached. It has been accepted by Mr. Davitt as aiding his statement, and, with those two observations, I will now pass on to conclude what I have to say upon this part of the matter.

Mr. Parnell stated, at page 3980, that it was very possible that the names given to him were the names of persons belonging to the Skirmishing Fund. He also, at page 3977, deals with his knowledge as to Devoy, ex-convict, his knowledge as to Breslin to the extent I have mentioned only, and to his knowledge as to Condon being also an ex-convict. I have dealt also with the statements in respect to his knowledge of Finerty, and I have one more confirmatory piece of evidence as to what this Clan-na-Gael had done. I may mention that, at page 4212, Mr. Parnell gave my learned friend, Sir Charles Russell, a list of chairmen, but they were not managers of the tour. They were a list of chairmen only. I have no right to refer to the experience of anyone, but it is possible that sometimes, if you have to deal with political matters, the chairman of your body is selected on account of virtues of rather a negative character, and if you wish to present to the public an appearance or political views of any description you do not always choose your most extreme men, or most active men, or your most daring men to occupy the chair, and this list produced by Mr. Parnell was a list of chairmen, and not the persons who were his committee and had organised these meetings.

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Now, the view which is taken by the Clan-na-Gael themselves of their utility is to be found in a document that is given in evidence at page 2482. Under date the 19th of April 1880 they give this account of the part they played. Page 2483 I read from—

“ The power and usefulness of organisation were never better exhibited than
 “ in the magnificent successes which have attended Mr. Parnell in America.
 “ They furnish convincing proofs of what our people are capable of doing if they
 “ will but unite in a compact organisation. In all the large cities the members
 “ of the V.C. were among the foremost in preparing the ground, in attending to
 “ the details, and in seconding the co-operation of our fellow-citizens. It has
 “ been a great educating force for themselves as well as for others, and they
 “ should in all proper ways bend their energies to keep the question before the
 “ world.”

To save referring again to this document, perhaps you will allow me to read what I have to read and then touch upon another matter :—

“ There has been hardly any movement in Ireland during the past 50 years
 “ that has promised more good to the people of that unfortunate country than the
 “ one that is now making progress for the redemption of the land. It is the only
 “ real important and tangible thing that has been presented to the people, and if
 “ successful, it will prove the most effective agency in accomplishing the greater
 “ revolution that will rid the nation entirely of foreign rule. When you get the
 “ people deeply interested with the land question, when you bring it home to the
 “ timid conservative farming classes,”

this is the Land League programme—

“ you start into life forces that have been dormant, and you do more than
 “ ought else to educate them up to a sense of the rights and dignity of manhood,
 “ and to impart to them some of the spirit that makes bold, independent, and
 “ order loving citizens. The landlords of Ireland are the garrison forces of
 “ England.”

Then, my Lord, one other passage as to the part that Mr. Alexander Sullivan took. At page 3994 we find a statement of fact contained in the “ Nation ” newspaper, a newspaper edited by Mr. T. D. Sullivan. At Question 59,734 it appears, according to the “ Nation,” that Mr. Alexander Sullivan—

“ made arrangements for the famous trip of Messrs. Parnell and Dillon
 “ through the States of Illinois, Wisconsin, Minnesota, Iowa, and Missouri in
 “ 1880, and accompanied those gentlemen over much of the route

Again, pausing, there comes corroboration, not unimportant corroboration, of Le Caron.

Now, passing from the individuals whose connexion and whose action will have to be referred to again, I come now next in order to Mr. Parnell’s speeches when in America. I should have wished your Lordship to have seen more of those speeches than we have been able to present to you. I think we have only been able to refer to nine of them. We have been able to make reference to nine of them. Of course the reports do not appear in the English newspapers, and we have had to get them as best we could. Mr. Parnell had a report of all these speeches, but at page 3997 he traces them to their end, and gives you an account of their fate ; because he says,—

“ I did bring home a newspaper report of all the proceedings at these
 “ meetings, but the mice got into my portmanteau and devoured a good many of
 “ them

Well, I have really nothing in reserve. I see Mr. Biggar is attracted by it. If Mr. Parnell says so, I daresay it is so, but it is somewhat of an example of one of the very numerous difficulties that have been put in our way in the course of this inquiry in arriving at a statement. If Mr. Parnell says the mice devoured his speeches, I have no doubt they did. Mr. Biggar is attracted by it I see, and it will no doubt occur to him, if ever he happens to make a stupendous effort of forgetfulness that these mice will form a useful and playful alternative in respect to an entire want of memory, and

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he will be able to have some such fact as this to fall back upon, but the result is, the mice having been at play, we are deprived of the records of all Mr. Parnell said, at least so far as local journals are concerned, but we may take it from what we have that we learn much.

(*Mr. M. Davitt.*) I think it is only fair to Mr. Parnell to say all his speeches are reported in the "Irish World," and the "Times" have had files of the "Irish World."

(*Sir H. James.*) I assure you, Mr. Davitt, we have searched through all we have. The "Irish World" is only evidence to a certain point. I am not saying but what Mr. Parnell's statement is perfectly correct as regards this destruction. Mr. Parnell says the "Irish World" is very frequently incorrect, and we cannot rely upon the report of these speeches, according to Mr. Parnell's view, because the "Irish World" did not report him correctly, even when we have initials signed to the report of his speech, according to Mr. Parnell's view. But we have nine of these speeches that have been put to Mr. Parnell, and to some of them we can make reference. I was about to say my view is that Mr. Parnell, going to America to obtain American support, as he did, had to appeal to a class he knew was the powerful class. That was the revolutionary and physical force body. As Alexander Sullivan says, at page 5728, without the Nationalists the body would be like an eel without a vertibræ. So Mr. Parnell knew, and therefore we shall find he was appealing to their views and is seeking their sympathy rather than appealing, as thereafter he appealed in the House of Commons, to a more constitutional view. We have the first speech of Mr. Parnell in Maddison Square on the 4th of January. I quote that speech, and have referred to it before with one object alone, and that is to show that at that time Mr. Parnell was wishing to take advantage of what was then regarded by him as an impending distress.

The reference to it is page 3809. Mr. Parnell says:—

"The American nation has, by common consent, been made the arbitrator in this great struggle for land in Ireland. . . . Originally we proposed only to address you on behalf of our political organisation."

That shows at that time distress was not what they were dealing with.

"But the course of events in Ireland has culminated so rapidly—a terrible far and widespread famine is so imminent that we felt constrained to abandon our original intention, and to leave ourselves open to receive from the people of America money for the purposes of our political organisation, and also money for the relief of the pressing distress in Ireland. We propose then to form two funds, one for the relief of distress, and the other for the purely political purpose of forwarding an organisation."

Then he proceeds:—

"The effect of that cause is, of course, the distress, and while we take care to do the best we can—and the best we can will be but little—to relieve the distress, we must also take care that we take advantage of the unexampled opportunity which is now presented to us for the purpose of sweeping away the bad system in 1847, and subsequent years."

To that speech I have already referred. Then in the conclusion of the same speech at page 3813, speaking of the advantage of dealing with the land, Mr. Parnell nearly concludes by saying:—

"And then I believe that one great step toward the freedom of Ireland will have been made that we shall have put a nail into the coffin of the system of English misrule in Ireland."

My Lords, I am anxious to take these speeches as quickly and as shortly as I can. The speech next in order of date is Brooklyn, in your Lordships' note, at page 3,986. The date is the 24th January 1880; then at Rochester, on the note at page 2785, on the 27th of January; then at Lynn, at page 3987, extracts put to Mr. Parnell. Then we have the Cincinnati speech, which is reported at page 2752; then we have a few slight extracts from the Newhaven speech, on which very little turns, at page 4163; then the Troy speech, on the 14th February, at page 3988, and the Pittsburgh speech, which Mr. Parnell disputes the accuracy of, at page 3990. I ask you

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to read those speeches, for I am afraid the burden will be too great for me to go through these speeches in detail; but I ask your Lordship to read them, and my suggestion to you is that, speaking of them generally, they appeal to the only class that was worth appealing to in America, namely, the extreme class. But I have to refer to two of these speeches, and the events of two of these speeches. They are of importance, according to the view that we seek to present to you. The one is the Cincinnati speech, which is known to your Lordship, I am sure, as the "last link" speech, and the other is what occurred at Troy, when money was given for bread and lead.

[Adjourned for a short time].

Dealing, my Lords, specially with two of Mr. Parnell's speeches in America to which I desire to refer, are the Cincinnati or "the last link" speech, and the Troy or "the dollars for lead" occurrence. My friend, Sir Charles Russell, said that it was to him a matter of comparatively slight importance whether Mr. Parnell did or did not use the words "the last link" in that Cincinnati speech. My Lords, I quite admit that Mr. Parnell had the most perfect right to use it, if he liked. But that is not the question. We are inquiring into whether Mr. Parnell is in favour of a separate nationality existing for Ireland or not. But I do not think my friend quite saw the importance of the matter. We are discussing what was Mr. Parnell's conduct in America? To whom was he appealing? Was he appealing in consequence of an association with revolutionary men, and with the Clan-na-Gael? It is evidence of the appeal he was likely to make, and in fact evidence of the appeal he did make, by seeing whether he used words that would commend this to the men who were revolutionary in their ideas. Whatever may be the effect of it, I ask you to come to the conclusion that Mr. Parnell did use that phrase. The effect of it, as I say, may be regarded in different points of view. The effect of it I will summarise in a few minutes. But first did Mr. Parnell use it or did he not? The speech, your Lordships will recollect, was reported in the "Irish World" on a date that I believe is February 21st. I have asked my Lords that the newspaper in which it was reported should be produced for the purpose of its being submitted to you. I have not seen the newspaper myself; but my belief is that you will find the report of the meeting is initialled, and I may say further J. W. F. are the initials of Judge Fitzgerald, who was the chairman, I believe, of the meeting, but that is a matter which was on my notes some time ago. I have not in consequence of the paper being away from the building, had the opportunity of verifying it, and I thought it better to postpone it till the newspaper is produced.

(The President.) Do you mean it has not been handed in; have we not got it?

(The Secretary.) The words are "the document was put in, and is as follows." It is one of those handed in, and then handed back again, I think.

(Sir H. James.) You will find what I am referring to is at page 2752.

(The Secretary.) And also page 2750 Major Le Caron speaks to it—at the bottom of the page.

(Sir H. James.) But the document is referred to *in extenso* at page 2752.

(The President.) There is another report of it which is referred to, which we have not got.

(Sir H. James.) I will give you that. At page 3991 we have reference made to another report.

(The President.) Mr. Parnell referred to a report in which it was not. The Attorney-General referred to that, and you referred to one which we have not got.

(Sir H. James.) There are two reports, as your Lordship has said—one mentioned at page 3985. I think, my Lords, the words are these:—

"We have a great work before us. With your assistance we can pass the winter in Ireland, can kill the Irish land system, and when that corner-stone of English misgovernment has been ground to powder, the way is paved for Ireland to take her proper place among the nations of the world."

That is the Cincinnati journal, referred to by Mr. Parnell, not containing this phrase, but substantially the effect of the language is that, if not the words—then, my Lords, the Attorney-General puts in the "Cincinnati Commercial Gazette," at

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page 3991, and there is a verbatim report in the "Irish World. So there are two papers.

(*The President.*) Is that initialled?

(*Sir H. James.*) No, my Lord, not according to my instructions. My friend, the Attorney-General, points out it is more than initialled; it is signed with the name of the reporter—J. W. Scragh.

(*The President.*) In the "Commercial Gazette"?

(*Sir H. James.*) It is in the "Cincinnati Commercial Gazette."

(*The Secretary.*) I certainly do not seem to have a copy, but there must have been something.

(*The President.*) It appears to have been handed in, but, of course, as naturally sometimes occurs, we do not find it among the papers to be preserved on the registry. It was handed in, because the shorthand writer has had it under his eye to copy from.

(*Sir H. James.*) Your Lordship recollects in the "Irish World," at page 2757:

"None of us, whether we are in America or Ireland, or wherever we may be, will be satisfied until we have destroyed the last link which keeps Ireland bound to England."

I think, if reference be made to Mr. Parnell's evidence, it will be found—he produces one newspaper without the words—that his denial was of rather a conditional character. The denial occurs at page 3896. All that Mr. Parnell said about it when asked:

"Did you use that language?—

was

"I think it was exceedingly improbable, but I cannot at this distance of time undertake to say that I did not use it. I do not believe I did use it. It was very unlike anything else that I said in America."

Well, my Lords, I do not think it is very unlike, in substance, the report Mr. Parnell himself produced in the "Cincinnati Journal." But, I would think that the report in a local paper like the "Cincinnati Commercial Gazette," signed by Mr. Scragh, and the report in the "Irish World," if I am right, was initialled, that the balance of evidence, when it is faced only by Mr. Parnell's somewhat doubtful denial, is that these words were used.

Now, passing on before we come to the effect of that, as to the incident at Troy. That your Lordships will recollect is the meeting on the 14th February, at page 3988. About the incident there is not so much dispute as there is in respect to some facts in the case. I would refer for the moment to Mr. Parnell's account of the matter at page 3988. At this meeting Mr. Parnell is asked—

"Is it not the fact that at Troy a man in your presence offered 5 dollars for bread, and 20 for lead?—That was the expression he used. And you did understand that as meaning that somebody in the audience was willing to subscribe five dollars for what I may call assistance, and 20 dollars towards fighting?—Not a bit of it. What did you think?—I understand him to mean he was subscribing 5 dollars to our charitable fund, and 20 dollars to our Land League agitation. Which he paraphrased by the word 'lead'?—He paraphrased it in that way, because the one thing rhymed with the other. In the first place, did you think it a fair description of your agitation to call it lead—'20 dollars for lead'?—No, I do not think it was, certainly not. Why do you think it was the Land League?—Because he would not have given it to me if it had not been for the Land League."

Then there is a further explanation of Mr. Parnell, which it is but due to him should be taken with reference to a speech he made early in America, when he said there were men who would wish for an armed rebellion, but that was the purpose the Land League had in view. That, I think, was certainly the fact. Mr. Parnell stated to us what happened in an excited meeting, when, as it is proved, the persons received the statement with loud cheering, and a man comes forward and says, here is five dollars for bread, and 20 dollars for lead. That is said in the presence of men who belonged

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to the physical force party. That is said in the presence of men who had been combined in the alliance with the party of constitutional action. What did they understand by those words? What did Mr. Parnell think they understood by those words? The fact that lead and bread rhymed I should scarcely think an explanation that a politician or statesman of Mr. Parnell's position would make. Every one there knew that a speech made many many miles away at Maddison Square, New York, could not have been in his mind. That is proved. That portion of the audience who would cheer the statement would think that the real meaning was that the money was for lead, and there is proof that such was the case. Mr. Parnell, as you recollect, at a meeting on the 29th April 1880, that is, the Rotunda meeting, at page 4,096, speaks of the incident himself again, and he is forced to deal with it. O'Hanlon is there, urging that the physical force movement should have attention paid to it, and that the men who advocated physical force should not be put on one side. Mr. Parnell is still in pursuit of a combined force; and he refers thus to this incident:—

“ The Americans sent me back with this message, that for the future you
 “ must not expect one cent. for charity, but millions to break the law system;
 “ and now, before I go, I will tell you a little incident that happened at one of
 “ our meetings in America. A gentleman came on the platform and handed me
 “ 25 dollars, and said: ‘Here is five dollars for bread, and 20 for lead.’ (Loud
 “ and long cheers.)”

That is what I had in my mind when I spoke of cheers following the announcement. I believe there were cheers on both occasions. What did Mr. Parnell think was conveyed in those words? Were those men who cheered thinking of the rhyme? Were those men who cheered thinking of the hidden meaning that “lead” meant the Land League?

My Lord, they took those words as Mr. Parnell gave them, simply with their natural sense attached to them. Now Mr. Parnell sees, I presume, that is the case. For he says in the same page, three questions below—

“ Well, that is all the more important for me whether they had left or not.
 “ Did you intend in reciting that incident to appeal to any particular section of
 “ the audience? (A.) No; I think it was a very stupid recitation to give, and I
 “ certainly had no particular object in my head.”

Why was it stupid? Because there was no object. My Lord, I cannot give Mr. Parnell the credit for saying stupid things. I cannot give Mr. Parnell credit for saying things without an object. When he made that statement he must have known he was conveying to those who heard him the fact that a person had given to him 20 dollars for lead in the ordinary sense. And that he was willing to be the recipient of it. And when he was made the recipient of those 20 dollars, what was it for? To be used for lead. That is according to Mr. Parnell's own statement. How did others receive that statement. My Lord, Mr. Boyton, of whom we have heard much, on the next day, on the 30th of May, makes a speech at Dunmanway in Cork—I think it is the next day, the 30th of May. He makes a very violent speech, and in it he refers to this incident, and he says:—

“ There was a little story told by Mr. Parnell at a meeting in the Rotunda,
 “ at the conclusion of his address, to the effect that a certain American gentleman
 “ came upon the platform, and said, ‘Parnell, there is 25 dollars; five for bread,
 “ and 20 for lead.’ Now, that simple bit of humour has put your hereditary
 “ enemy in a great flutter. Therefore, I am not authorised by the President of
 “ the Irish National Land League to tell you that that was a *bonâ fide* transaction,
 “ that the man gave him 25 dollars. I am authorised to tell you here, and I
 “ came all the way to Dunmanway, that those 20 dollars are perfectly safe, and
 “ that, as Mr. Forster, in the House of Commons, on Friday night, refused to
 “ tell your representatives what he was going to do with the 30,000*l.* of secret
 “ service money, and that he has displayed admirable reticence in doing so, we,
 “ in like manner, are not going to tell Mr. Forster what we are going to do with
 “ the 20 dollars that has since swelled into 20,000. The money gives 4 or 5 per
 “ cent. interest on it, and we are turning it into good round sovereigns, with the
 “ imprint of Her most Gracious Majesty upon them. Therefore I ask you, in

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“ the name of God, in the name of every honest Irishman, in the name of your long suffering country, to stick together like brothers one and all. If you show us evidence that you are in earnest to help us and take a share in this 20 dollars by showing us that you will stand together. Daniel O’Connell never had half such a following on Tara or Mullaghmast as our illustrious young leader, Charles Stuart Parnell (cheers), and I tell you that, if you stick together, you will see that this assemblage will be historical in the county of Cork. You will stand together for peasant proprietary in Ireland. (Cheers.) We have at the back of that more than great agitators had before. We have moral force, and we are going to use it, and, perhaps, we have something in the shape of physical force, but we do not want to use it. We may some day come down and see you, and talk about something else.”

I have referred to Mr. Boyton as a person of importance. There was a man of whom we have heard much at this Rotundo Meeting, of the name of O’Hanlon, and my suggestion is his following had to be dealt with. He heard this, I presume, because he at once wrote to the “Nation” newspaper in terms which you will find at page 3709. It is in two newspapers, I am told. It is in the “Irish Times,” and it was copied in the “Nation.” This is O’Hanlon’s postscript:—

“ May I ask Mr. Parnell to tell the public what he has done with the 20 dollars he got for lead from some Irishmen in America.”

And so, my Lord, this which Mr. Parnell calls stupid, respecting the words uttered in America, is heard by men who attach a natural meaning to Mr. Parnell’s words. Those who have read Mr. Parnell’s speeches, do not often find him indulging in stupid words, do not often find him indulging in covert language. He generally says what he means. And certainly Boyton, O’Hanlon, and every one else were saying to themselves, “Here is a man who is willing to receive 20 dollars for lead,” and I should think that the most imaginative of them would not say it was because it rhymed with bread, but that it was to affect the Land League and some men of the Land League not mentioned by him. That has never been given as the reason for this speech until it was given in this court, and upon this inquiry.

Now, my Lord, those form the two speeches that I wished particularly to refer to. My belief is that the Cincinnati speech, and perhaps this incident, gave some impetus to Mr. Parnell’s action; and to prove that to you I have to refer for a moment to a contested matter; but before doing so, my Lord, again let me deal somewhat more particularly with Mr. Parnell’s whole action in America. Again we must go back to the Ives interview which I have referred to. I submit to your Lordship the very address—the very proclamation that Mr. Parnell wished to be communicated to the American people—he and probably Mr. Dillon corrected it after Mr. Ives had drawn it out, and after Mr. Ives had submitted it to Mr. Parnell; and although I have before me and in mind Mr. Parnell’s explanation, I have to ask you to come to the conclusion that what was there to be found; again, in its natural sense, was intended to be conveyed to the American people. What was Mr. Parnell doing when he was speaking to Mr. Ives? He was explaining to him his views on the land question—Not the generalities of platform oratory. And the person who addressed him was seeking an explanation of his plan in America. And in the course of that explanation, he used the words that now are of importance. Mr. Parnell says, at page 3977, that what he gave Mr. Ives, was an explanation of his plan in America. The words that are of importance occur at 487, are:—

“ A true revolutionary movement in Ireland should, in my opinion, partake of both a constitutional and an illegal character. It should be both an open and a secret organisation, using the constitution for its own purposes, but also taking advantage of its secret combination.”

My Lords, that is in answer to the question if the Fenians are in sympathy with the present land movement.

This is the period I wished to refer to the explanation that the President called attention to, which was given by Mr. Parnell. It is at page 3386. The explanation I gave is, I think, in substance this: it is found especially in the questions and answers 58,359 and 58,360. Mr. Parnell says, I was not speaking of the Land League movement and the combination of the Fenians; I was speaking of the Fenian movement; and what I meant was that it would be well for the Fenians that they should have an open representation in Parliament, knowing that they had one representative from

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the west in Parliament, that they should have had more. And I was speaking of that which is revolutionary, namely, the Fenian body there; and for their welfare, and for their benefit, I say they ought to have open action as well as secret.

My Lords, I submit to you that that explanation cannot prevail. Look again at the question that was put to Mr. Parnell—What are your plans in America? What have the Fenians to do with the Land League? He was speaking of both. He is then speaking of the Fenians and of the Land League, some of whom he says are pressing him, that the revolution should be conducted both by open and secret organisation.

My Lords, does not that mean that which throughout in many instances you have found and will find is spoken of as this revolution? Sir Charles Russell said, "We are going through a social revolution." Again, let me ask you whether, in relation to this, Mr. Matthew Harris does tell the truth, because later his view is identical upon this matter? And in that postscript to his letter, to which allusion has been made, I think, at page 6060, Mr. Harris says:—

"Not to speak of political societies, every government in Europe has its secret as well as its open councils. Both these modes of action have their use and abuse. A wise man will use them wisely, a fool will do the opposite, or worse still, raise a controversy about their relative merits, and in that way oppose them to each other, instead of opposing them separately, or combined against the common enemy."

Now, my Lord, again, if Mr. Parnell intended that there should be hidden meaning in these words, it is more, I think, to be regretted that that went forth, as I have termed it, and was proclaimed to the American people, with words which, read in their natural sense, by the light of the question put to him, seem to point to a combination between him, representing the open branch, and Devoy, his friend, representing the secret movement; and these explanations, again, as far as I know, represent neither the natural meaning of the words or the inference any one would draw from them.

In combination with this very question that we have been discussing, of the speeches, I now have to deal with a matter very germane, at the same time somewhat of a different character. I have to submit to your Lordships that Mr. Parnell going to America, by virtue of the sixth resolution of the meeting of the 29th October, went for the primary object of obtaining money to support the organisation. My Lords, three great results followed from Mr. Parnell's visit to America. He did obtain the money, then and in the future; he obtained the alliance of that force in America when dealing with Irish matters, namely, the "Irish World"; he also laid the foundation of the American Land League. Those were the three results, and, my Lords, they will be important in order to show where the vitality of the Irish Land League has come from.

First, in relation to this money, my Lords. I believe there was always an intention that the prime mover in obtaining the money should be Mr. Patrick Ford. We have a trace of this in a conversation graphically told, told in an interesting way by Mr. John Ferguson in his evidence, given at page 4830. He told your Lordships in his evidence of a night journey through Mayo, a night journey in company with Mr. Davitt and Mr. Redpath, and he in telling that said, what was the fact, how Mr. Davitt had been most assiduously labouring to effect this alliance, that the strain upon him had become great, and that Mr. Redpath, with somewhat of a bitter jest, spoke of another Irish martyr, and another big Glasnevin funeral, and then Mr. Davitt, who probably had framed the resolutions that had sent Mr. Parnell to America, tells how that strain will be removed because the fund is coming into existence, and that Patrick Ford would assist those who were labouring to obtain money in Ireland.

My Lords, you will perhaps almost recollect the evidence; Mr. Ferguson had spoken of the time when the war was going on in other counties besides Mayo. Then, my Lords, he is referred to that which is an extract from a letter; he gives his evidence, and agrees with it. He describes this scene:—

"Mr. Davitt was worn out with cold and fatigue, and above all with the ingratitude of men from whom he had expected sympathy. Our spirits were low. Mr. Redpath uttered a bitter jest at Mr. Davitt's expense. 'We would soon have another Irish martyr and a big Glasnevin funeral.' The great organiser roused himself and broke a long silence with these words: 'Two or

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“ ‘three of us can bear this strain no longer, but the day is coming when we shall have a fund out of which the necessary expenses can be paid.’ ”

Then, in the same letter, the words are used that the workers will be numerous, and the light will be spread. Patrick Ford is behind the movement, it will be read of in history. The date of this journey, my Lords, I cannot exactly give you, but I think we can trace it to a close proximity to the 22nd January 1880. If your Lordships refer to page 4831, Mr. Ferguson seems to think that this was shortly before a meeting in Queen's County, at a place called Knockaroo, and we find that a meeting took place at Knockaroo (it is proved at page 5699, I think) on the 22nd January, and so, my Lords, whilst Mr. Parnell was labouring away, and, as we see, was met by Devoy, according to one account, across the threshold of the “Irish Wolrd,” he became, as he himself says, a great friend of Patrick Ford during his stay in America. Mr. Davitt rightly again anticipated what would occur, that he would be relieved of great pressure upon him by the acquisition of funds for this movement, and that Patrick Ford being behind the movement the strain will be removed by the means of those funds being secured.

A great comment was made by my learned friend Sir Charles Russell upon a phrase used by my learned friend the Attorney-General. My learned friend the Attorney-General had said that Mr. Parnell could not have moved a step without the last link speech. This phrase was made use of by my learned friend the Attorney-General in reference to the object of Mr. Parnell's visit, the collection of money. Of course, no one thought or expected that the phrase “Move a step,” was there to be taken in its entirely natural and almost physical meaning. It did not mean that Mr. Parnell could walk more or less since the Cincinnati speech. What my learned friend the Attorney-General did say was that Mr. Parnell would not have succeeded in his object—the primary object being the collection of money—without that speech. My learned friend Sir Charles Russell made a triumphant reply, and said, How could that be so? The last link speech was made towards the close of Mr. Parnell's stay in America. Mr. Parnell had arrived on the last day of December, and he was summoned away early in March on account of the dissolution of Parliament, early in March, in order to attend to the general elections, and the fortunes of his party in Ireland, and that late date of the 20th February, the date of the meeting, is given to show that the last link speech could not have prevented his moving a step, for he moved many steps; but the point is how much money had Mr. Parnell collected until he made these appeals, until he used words that were satisfactory and sufficient in the ears of the active portion of the Irish Americans, and my learned friend the Attorney-General was absolutely right when he said that until Mr. Parnell made that Cincinnati speech, very little effect was produced by Mr. Parnell's appeals, as far as we know. After he had made it a great effect was produced.

My Lords, fortunately out of the few documents relating to money that we have been able to discover, we have documents that do throw some light upon this period of time, the documents that I am referring to, one found as a schedule to the evidence of Mr. Hardcastle, and the particular document I wish to call your Lordships' attention to is to be found at page 3561. Mr. Parnell had been in America at the time he made the speech some seven weeks. The way before him had been prepared; prepared by sympathisers, prepared to some extent by Mr. Davitt's previous visit, and Mr. Parnell's name was very well known, and as my learned friend, Sir Charles Russell, said, he at that time had attended nearly all the meetings through which, and by virtue of which, he was able to make the appeal for subscriptions. Until he made that speech, how much had he secured? Page 3561 shows the details of the remittances; the remittances commence on January 14th, and we find that until he made, at the date previous to that appeal as I term it, the Cincinnati speech, the amount collected and remitted amounted to 920*l.* 18*s.* 9*d.* Those, your Lordships will understand, are remittances to the political organisations; they represent the remittances as distinguished from relief; I am dealing with the remittances to the political organisation, to show that if Mr. Parnell's words had been listened to, his appeal for relief had been listened to, and prior to February 20th for relief he had received 11,343*l.* For political purposes he could obtain, and did obtain, only 920*l.* prior to the Cincinnati speech.

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(*The President.*) What figures make up the 920l.?

(*Sir H. James.*) Four remittances, my Lord. It depends so much upon the report, and we have not the report at present, but I have treated the date of the Cincinnati speech as the 20th February; it may be the 21st. Nothing arises upon it; we have the report on the 21st, so I think I am right about the 20th. I am told it is the 21st. If your Lordships would look, you will see that it all dates prior to February 26th. There are only four remittances, making in the aggregate 920l. 18s. 9d., and of that sum 701l. comes from one town alone—from Chicago.

We know, my Lords, that Mr. Parnell had been speaking throughout America. I think 30 speeches it was that he made, according to his own account, nearly 30 speeches, but he had made, as Sir Charles Russell's view was the great majority before that date. He only obtains 920l. before he makes the "last link" speech. Will you proceed, my Lords, to take the further sums and see the result? Commencing from February 26th, the next remittances proceeding through March, April, May, and June, which he obtains, is a total of 11,324l., that is deducting the 920l. he receives, some 10,400l. The relief that he obtained went on increasing, of course, and, my Lords, one is happy to think that the relief fund far exceeded the money given for political objects, it amounted to 54,892l.

(*Mr. Justice A. L. Smith.*) What page is that on?

(*Sir H. James.*) Page 3560 is the addition, the final.

(*The President.*) The largest sum collected at any one place, appears to have been at Chicago, which was before this speech.

(*Sir H. James.*) 731l. My Lords, there are sums resembling that amount, 500l. coming from New York.

(*The President.*) In the largest cities he seems to have collected the largest sums.

(*Sir H. James.*) The "New York World," 600l., May the 4th, 600l. from Boston, there are large sums so collected. There, my Lords, are the figures both for the relief and for the political fund.

(*Mr. Justice A. L. Smith.*) What page, do you say, the relief fund is on. I have not followed that.

(*Sir H. James.*) The relief commences on page 3555 and concludes on page 3560, where your Lordships will find the total sum. Of course as regards Chicago your Lordships recollect it was where Mr. Alexander Sullivan and Mr. Finnerty were, and it was no doubt a strong point.

(*The President.*) What I am calling your attention to is that the largest sum collected at any one place was at Chicago, and that was before the speech.

(*Sir H. James.*) It was so, my Lord. With the exception of Chicago, there is less than 200l. to be dealt with. Wherever Mr. Parnell had spoken, so far as remittances were concerned, I admit that out of the 920l. collected, 731l. had come from Chicago alone, the house of Alexander Sullivan and Finnerty. It is also worthy to be noted, to show where the money for the Land League came from, that up to June 30th, 1880, you will find from the accounts of the Land League at page 3485, that the total sum received was 12,926l.; at the bottom of the page, Ireland, and what is termed other "sources," found out of that sum 1,339l., Great Britain 262l., whilst America found, as I have mentioned to your Lordships, 11,324l. out of the 12,926l., the whole of the funds of the Land League. Two references were made by Mr. Parnell to this money. Speaking on the 16th May 1880, at Beaufort, in speech 183, Mr. Parnell says:—

"The National Land League has plenty of money at its disposal for the purpose of defending the tenantry of Ireland. Your fellow countrymen in America will send you as much money as you want. Everywhere throughout the States I have found the greatest anxiety to help you. Do not, then, be afraid; band yourselves together; organise yourselves against the landlord system, and believe me, the day is dawning when we shall have taken the first great step to strike down British misrule, and the noble dreams of Grattan, Emmett, and Lord, and the Fitzgerald, and of every Irish patriot ought at all times to be brought to a triumph and realisation. I have much pleasure in proposing this resolution,—'That in the opinion of this meeting the eviction of occupiers of land for non-payment of a rent arbitrarily fixed by the landlord is unjust, subversive of the interests of the country, and calls for the emphatic condemnation of all lovers of justice.'"

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Of course, my Lords, such a resolution and speech as that, when sent, as I suppose Mr. Parnell's utterances would be, to America, would have the effect of showing those who subscribed this money what it was being subscribed for, and to encourage those who were looking for the political end to contribute more. Then there was another speech of Mr. Parnell's at Kilkenny on the 2nd October 1880, reported as speech 212. He says there:—

“ We will help you with all the resources at our command, and there are millions of your countrymen and countrywomen in America who will help you also (cheers), and (‘ we have to thank you for it. ’) who will send you money to keep up this struggle as long as you bear yourselves like men, and then when we have found out these bad landlords, and have reduced them to their knees, and when we have settled the question without any Act of Parliament, as far as the bad landlords are concerned, we shall not find it any more difficult to reckon with the good landlords whom my friend Mr. Marum is so anxious about.”

So, my Lords, we have the money secured and obtained in accordance with the sixth resolution from America.

My Lords, the next result of Mr. Parnell's visit was the alliance with the “ Irish World.” You will find that Mr. Parnell, at page 4159, says, speaking of the time of his visit to America, that he and Patrick Ford were good friends, and the question is put to him (61,709):—

You and Ford were very great friends in 1880?—(A.) Yes, certainly.

My Lords, I have expressed my view that that ought not to be read in opposition to Mr. Parnell's other evidence, where he says he did not see Patrick Ford. I treat that as being more of a political than a personal intimacy; they were in good agreement. Mr. Parnell has had to express his gratitude for what the “ Irish World ” has done, and you will find, at page 4160, he telegraphs that expression of thanks at Question 61,814:

“ Thanks to the ‘ Irish World ’ and its readers for their constant co-operation and substantial support in our great cause. Let them have no fear of its ultimate success.”

And there, my Lords, the quotation breaks off.

Then we have again, at page 4162:—

“ As we stand at present, passive resistance to unjust laws is the stronger weapon in our hands. Thanks to the ‘ Irish World ’ and its readers for their constant and substantial support in our great cause. Let them have no fear of its ultimate success.”

My Lords, I have also the views expressed by other conspicuous leaders. First, there is Mr. Davitt, who, at page 3276, shows his view of the “ Irish World ”:—

“ The ‘ Irish World,’ which, of course, means Patrick Ford, has almost always been a guide, philosopher, and friend of mine since my liberation from Dartmoor, and if I have had to differ occasionally with some of its teachings, and to criticise the wisdom of its plans for the freedom of Ireland, I have never for a moment doubted the unselfish patriotism which prompted such plans, or forgot the unparalleled services which you rendered to the Land League movement from its very inception until its organisation, but not its spirit, was suppressed by the Government of England. Indeed, no truthful historian can write the record of that organisation and its giant assault upon the citadel of felonious Irish landlordism, without recognising the fact that the chief inspiration of the movement, its spirit, and most of its financial strength, came from the ‘ Irish World ’.”

My Lords, I do not know whether I need multiply the testimony to show how much the Land League is indebted to the “ Irish World ”: everywhere this testimony is cropping up.

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I am anxious to refer your Lordship to an expression of opinion by Mr. Brennan. There are many of them. It is page 3376 :—

“The thousand pounds (1,000*l.*) cabled this week by the ‘Irish World’ is received. Its announcement was received with applause. The substantial aid and continued encouragement which we are receiving from our kindred, and the friends of humanity in America, are inspiring our people very much, and in the name of the Land League I beg to tender to the readers of the ‘Irish World’ and to all co-operators its sincere and most grateful acknowledgment.”

Mr. Egan, on the same page, in a letter dated 25th February 1881, says,—

“Let the readers of the ‘Irish World’ and all the friends of the Land League accept our warmest thanks for the noble work they are so bravely doing.”

And a little later, on the 19th March, Brennan cables :—

“The moral and financial aid which is constantly coming from our brothers in America, through the ‘Irish World’ and other channels, cheers us in our work.”

There is another, which is from Mr. Quinn, at page 5677, dated the 2nd July 1881, he being at that time secretary or assistant secretary of the Land League :—

“We appeal to the lovers of liberty and sympathisers of suffering humanity to send the ‘Irish World’ to Ireland. The success of the cause is to be measured by the extent of the acceptance of its principles. When the ‘Irish World’ is read in every hamlet in every county, it will be beyond the power of earth and hell to perpetuate the landlordism in Ireland.”

Only one quotation more in such respect, and that is a speech of Mr. Healy, at page 2203. He says :—

“He was rather astonished when he came here first”

that is America,—

“and he saw in the American papers the accounts of how the people were rushing into the Land Courts, but from the Irish papers just to hand, he found that the tenants all over the island were refusing to pay one penny until the Government released the suspects, and that the only paper that reliability could be put in were the “Irish World” and home papers.”

At that time Mr. Healy had gone with Mr. Thomas O'Connor and Father Sheehey to America, as representatives either of Mr. Parnell personally, or the Land League, and, so speaking in 1881, he was there conveying his view of the aid which was being given to the movement by the “Irish World.” I am relieved, I think, from making further quotations from this as a proof of the strength of the alliance between the Land League and the “Irish World,” and the aid which was given to it, because at page 3303, upon a question raised as to the admissibility of evidence, the President went very fully into the evidence which had been given, so as to establish the admissibility of the “Irish World’s” contents as to the sort of, what I may term, agency, affecting the “Irish World’s” articles in consequence of the approval that had been shown of its writings by the officers and by the promoters of the Land League. The collection, in your Lordship’s judgment, if I may say so, is so complete that I should be repeating what is there to be found, and I pray in aid what your Lordship said at page 3303.

Now, one word only further upon this “Irish World” alliance, and the collection of money. Mr. Davitt, in the course of his speech (I think the effect of it I correctly state. I am referring especially to page 6624 of Mr. Davitt’s speech) puts his view before you to the effect that money spontaneously arose, and was sent to the “Irish World,” and subscriptions spontaneously came into existence by people who did not sympathise with Mr. Patrick Ford’s extreme doctrines, and he gives examples. Well, of course there were people of different views and different degrees of opinion in America, and some of them sent their subscriptions to the “Irish World,” coupled with individual expressions of their perfect confidence in Mr. Parnell and in the Land League movement proper, if I may so term it. But there were, as Mr. Davitt says, a great many other letters of a different character; and I gathered that Mr. Davitt, speaking from his heart and mind, did not sympathise with those other letters, and did not read them; but those were the letters that showed that the appeals of the “Irish

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World," and we shall have to show your Lordships what they were, now firmly fixed in alliance, perhaps through Mr. Davitt's very agency, but in alliance with the Land League, and its promoters, and its principal actors, were producing the money, and we have to show what those appeals were. Perhaps, I need not refer you to a reference where Mr. Davitt says the "Irish World" during these years contained more violent sentiments than those to which I called attention in the letters I submitted yesterday. That is at page 6649. But in his evidence, at page 3276, he says that it was the appeals in the "Irish World" which produced this money. It is in that very document I read to your Lordship, the "Irish World," which says Patrick Ford has become his guide, philosopher, and friend; you will find it specially referred to at the page following that document, at page 3277, where he says:—

"I do not think Mr. Healy is just to the 'Irish World,' when he says, we
 " would have got the subscriptions (the money sent to the Land League), if the
 " 'Irish World' never existed. This I deny; I believe that three-fourths of the
 " enormous sum of money received by the Land League from America was sub-
 " scribed through the appeals which were made by Patrick Ford in his paper
 " through the instrumentality of the hundreds of branches of the Auxiliary
 " American League, which were organised by the 'Irish World.'"

And so, my Lords, as we shall come in a moment to see, as to the mass of money which was sent from America in succeeding years, that which was written in 1886 by Mr. Davitt (who has full knowledge of these matters) is true, and he tells the truth, I believe, when he says three-fourths of these very large sums of money, to be counted by hundreds of thousands, come from the appeals of the "Irish World," and come from the branches of the Land League founded by Patrick Ford.

My Lords, the importance of this alliance I desire to place before you. I believe there were at this time three sections of those who were interested in Irish affairs in America. There was a clerical or conservative party which, as we trace the movements of the Land League in America, you will find were powerless, and were soon placed on one side. There was the revolutionary party, the physical force party, which had its strength and centre in the Clan-na-Gael, and which had its base for more operations in the Skirmishing Fund. And then came a third section, a party somewhat socialistic in its views, and that was the party which was represented by Patrick Ford and the "Irish World." If you measure the strength of those parties respectively by the money that is produced by them, I refer again to Mr. Davitt's statement of 1886, that three-fourths of the money which came to the League came from the "Irish World," and, so given, it was given in identification with the views and sentiments of the "Irish World." At page 3384 there is a statement of the "Irish World's" own view upon this matter. It was a question which had been raised in November 1881, as to the policy of electing a treasurer—whether there should be a central treasurer, who probably at that time would have been Mr. Egan in Paris, or whether there should be a treasurer in America; and upon that question, which, I believe, ended in the money being sent to the "Irish World" for the most part, the "Irish World" wrote this article. It was with reference to the Chicago Convention. It was at the end of November or beginning of December 1881. Different dates have been given for it; that would be so because the article appeared on the 3rd December.

"The understanding at the initial meeting held in the "Irish World" office
 " previous to the call for the convention at which Father Sheehy, Mr. O'Connor,
 " Mr. Healy, and Mr. Finerty were present, was that no treasurer should be
 " appointed. 'If the question comes up,' said Mr. Finerty, 'I shall move that
 " 'Mr. Patrick Egan be declared treasurer, and let there be as many channels of
 " 'transmission of moneys to him as the people will.' That agreed with our view
 " of the matter. This money question is a very ticklish one. The reasons why
 " men transmit their moneys to the Land League through the "Irish World" are
 " these:—'A dollar sent through the 'Irish World' is a significant endorsement
 " of the principles enunciated by the 'Irish World.'"

That article would be written when Mr. Healy, Mr. Thomas O'Connor, and the Rev. Mr. Sheehy were in America, and the "Irish World" had a wide circulation. Thus, again, comes the identification of the money collected by the appeals of the "Irish World," and as your Lordship will see by appeals from Transatlantic, with his foul and wretched appeal to assassination. These appeals made, produced the

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money, and as the "Irish World," in its exultation, is pleased to say, the men who sent the money through the agency of the editor, are identifying that gift with the appeals that are made in the columns, the appeals the editor wrote, and thus you know the contributions translated by Mr. Davitt's statement to three quarters of the sum received by the Irish Land League from America, came through the "Irish World" by virtue of the doctrines of the "Irish World," causing response to those doctrines to be made by the contributors who sent their money.

(*The President.*) Allow me to ask you, Sir Henry, why you called the "Irish World" section socialistic?

(*Sir H. James.*) I had better, perhaps, not raise the question of socialism. I have gathered it, I am sorry to say, from my readings of the "Irish World," and, therefore, it came to my mind that the "Irish World" did represent that view; but if your Lordship thinks it represents anything by way of argument, I prefer striking that word out, if your Lordship pleases. It really does not assist me in the least, and to establish it I should have to refer to articles which I have met by the way. It is, perhaps a very unnecessary word for me to have used, and does not really affect this case. Mr. Davitt gives me a key which I did not myself think necessary to mention, but it supports for instance, land nationalization very strongly, and it was that class of view which caused me to have it in my mind, and so to express myself. I think of these different sections whilst the "Irish World" stood aloof from absolute Clan-na-Gaelism—I do not find that Patrick Ford belonged to the Clan-na-Gael—for reasons which I think we shall find are given, yet there cannot be the slightest doubt that the "Irish World" was strongly in favour of extreme measures of some kind or other. It opened its columns at all times to communications in support of those extreme measures, and when Mr. Parnell had shown by virtue of his action in April and May 1882, that he was disposed to enter into communication with those who represented the Government of England, Mr. Patrick Ford was too highly tried, and in October 1882 he broke from any apparent, active, declared support of Mr. Parnell, but whilst he says (you will recollect the article of October 10th) no more money to be collected, you will find after that period, whilst there was a more declared view in favour of extreme measures, and afterwards summarised by Mr. Patrick Ford himself, as amounting to views in favour of dynamite, yet at the same time there are kindly words, there is at times support given to Mr. Parnell and his movement, as if Mr. Ford still had the view that, whilst to him the physical force movement was far the more important, yet that benefit and good could be derived from the action he wished to take from alliance with Mr. Parnell.

I here desire to point out that of course I am not about now to enter upon evidence of the circulation of the "Irish World," or of the contents that were circulated. That must be deferred; and I have now said all that I think I need say as to the establishment in consequence of Mr. Parnell's visit, and springing from it, of the "Irish World" alliance.

Your Lordship was good enough to relieve me from dealing with the word "socialistic." It is mere matter almost of passing observation. I may have obtained the idea in my mind from Mr. Parnell's own evidence. At page 3887 Mr. Parnell says.

"Then there would be the section of the 'Irish World,' which might be called the socialistic section, the more advanced Land Reform section, which was what Mr. Davitt was good enough to suggest."

The third result of Mr. Parnell's visit only remains. That is the formation of the American Land League. Shortly I can deal with its foundation. You will recollect that when about to leave America, Mr. Parnell sent a telegram, as he says, to several persons, but which appeared in the "Irish World" as addressed to Mr. Patrick Ford. He asks that there shall be a conference or a convention. Of course, as Mr. Parnell left America in the month of March, nothing was done whilst he was there, except that he initiated that idea. In the month of May Mr. Davitt went to America, certainly with Mr. Parnell's knowledge; how far representing him I cannot say, but Mr. Davitt going to America found Mr. Dillon there. Mr. Dillon was in America with Mr. Davitt. He had remained in America after Mr. Parnell's visit and Mr. Davitt found him there. This evidence, if it is material, will be found at page 5584. It is in Mr. Davitt's evidence, and from that you will find, at question 86,677, his statement

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that he left for New York, I think, on the 9th of May, I believe the date was the 9th of May. Then, as soon as he gets to America he seems to be in communication with Mr. Dillon, and he went there with Mr. Parnell's knowledge. I only refer to the authority for it which, you will find in Mr. Parnell's evidence at page 4013.

After Mr. Davitt's arrival, finding Mr. Dillon there, we come to the Trainor Hall Convention, as it is termed, of May 18th, 1880, which is an important convention. It is, however, to be observed, before we deal with the Trainor Hall Convention and its results, that following Mr. Parnell's advice to found Land Leagues, the first assistance that is to be traced in favour of carrying out Mr. Parnell's views comes from the Clan-na-Gael. They took action as early as April 19th, 1880, and their views you will find at page 2482. It is an address from the executive body to the officers and members of the Clan-na-Gael.

" If we are to succeed, it can only be by revolutionary work, conducted with persistence and patience by men who seek no notoriety, and whose knowledge that they are doing their duty is a sufficient recompense for their labours. To this end you are directed hereafter to give as much attention as possible to our own work, and as little as possible to any other, and your attention is called to the following resolution unanimously adopted by the F.C., to wit:—Resolved that the F.C. congratulate the V.C. upon the magnificent success of the land agitation, and thank the members of the V.C. for their splendid work throughout the country in securing these successes. We recognise, however, the danger of giving our energy and ability to any public movement to such an extent as to neglect our own special work and duties. We earnestly urge the members of the V.C. hereafter to give special attention to the extension of the organisation, and only to give so much of their time and attention to public movements of any character whatever as can be utilised for the benefit and growth of the V.C., and the achievement of the real revolutionary work which remains to be done, and which only can be done through the secret work of V.C."

Your Lordship will see what that secret work was hereafter.

" When land leagues are formed, or any other public movements are organised in which members of the V.C. can conscientiously participate, no pains should be spared to secure the control of these movements or organisations by members of the V.C."

If I may do so, I would ask you to bear these words in mind. What here was determined upon you will find was carried out to the bitterest end. It was to obtain control of the movements.

" A few of our good men working in concert can always manage to secure this control. Lest these organisations may at any time prove dangerous rather than assistants to our work, we should so secure the control of their management as to be able to disband them if they should ever become necessary."

I presume that means if "that" should.

" The power and usefulness of organisation were never better exhibited than in the magnificent successes which have attended Mr. Parnell in America."

This is what I read to your Lordship before.

" They furnish convincing proofs of what our people are capable of doing if they will but unite in a compact organisation. In all the large cities the members of the V.C. were among the foremost in preparing the ground, in attending to the details, and in seconding the co-operation of our fellow-citizens. It has been a great educating force for themselves as well as for others, and they should in all proper ways bend their energies to keep the question before the world."

I read to you this morning further passages, and this paragraph concludes with these words:

" God speed the mark. It was said of Joseph that he was a growing son. May it be said of this movement that it is a growing movement, and that the

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“ tree which was planted by Davitt in the soil of Mayo in April last may spread
 “ its branches wherever an Irishman breathes, or the heart of a humanitarian
 “ beats responsive to the cries of the people for a larger and better life.”

Then there is matter as to which I do not know that it has any particular bearing upon this now before you; but will your Lordship note that on the next page you come to matter which deals with O'Donovan Rossa, which will become material when we show you how far the Clan-na-Gael separated itself from the action of that man.

My Lord, as I have said, the foundation of the Land League, so far as its public foundation took place, was at the Convention held at Trainor Hall on the 18th of May. Mr. Davitt spoke at that Convention, and your Lordship will find the speech at page 5680. It was attributed to Mr. John Dillon, but Mr. Davitt himself corrected it, and the words are his. Mr. Davitt says:—

“ I feel proud to find so many able and intelligent men earnestly working to
 “ help in destroying landlordism. This movement extends from Dublin to San
 “ Francisco. It is a good omen that it will succeed when it reaches out so far,
 “ and interests so many, and a sign that it will not fail like other movements. I
 “ am happy to say that the Land League movement in Ireland is in capital hands
 “ and trim, having a series of successes during the past six months. But these
 “ successes are only indicative of what is to come. While satisfied with them, we
 “ cannot still be content. We have succeeded all along the line, and what we
 “ have already done is a guarantee of what the future has in store. By your
 “ action to-day you have widened the programme outlined by the Land League in
 “ Ireland; but, although we omitted the industrial question of the movement, it
 “ was not because we were unaware of it or of the evils which Ireland's commerce
 “ suffers through any loss.

“ I can assure you now that the addition which you have made to the
 “ platform to-day will be accepted by the Irish people on the other side. As the
 “ movement for the abolition of the Irish landlord system was first started here,
 “ I am glad that this later addition to it is made here also.”

Now, my Lords, again we must read the proceedings by the light of this speech. At any rate, Mr. Davitt here is giving in his adhesion to the view that the movement commenced in America, as his American friends asserted, by his Boston speech. The proceedings in Ireland, although there had been declarations by the promoters that they, in accordance with Mr. Davitt, were seeking for the abolition of landlordism, were silent when the scheme was declared in public. He had always been at the bottom of it, there can now be no doubt; and now, if Mr. Davitt will allow me to say so, he here in America, knowing what was the real object of the Land League promoters and those who founded it, especially of the hands that drew the resolutions and those directions for organisation—knowing the abolition of landlordism was the intention he had in his mind, and which he wished the Land League to effect, and for the purpose of effecting which he founded the League,—he now, being thereby enabled to defend the position of Irish Members in the House of Commons and before the public, says, “ You, the Americans, here to-day upon this 18th day of May, 1880, “ have added to our platform the abolition of Irish landlordism.” If it was an addition, of course from this time the abolition of Irish landlordism came into play. But it had been always the real and the true programme—not that, as I have said, presented to the public—it had always been the cause of the Land League's existence, and object of the Land League's existence. This addition to it by the Americans was, I think, a little suggestion by Mr. Davitt for the purpose rather of flattering their importance, and of suggesting that it was they and not he who had caused this abolition of landlordism to be added to the platform.

(*Mr. M. Davitt.*) I am sure, my Lords, Sir Henry James is making a mistake, not intentionally. What was added to the platform upon that occasion was an industrial plank, taking up the labour question, not the abolition of landlordism.

(*Sir. H. James.*) If it be so, I will take what he says:—

“ The movement for the abolition of Irish landlordism,”

and so he proceeds; but I must take Mr. Davitt's statement if he says such was the case. Mr. Davitt has some little compunction as to this speech, because he is asked

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as to whether the abolition of the Irish landlord system was first started there. He says himself :—

“ The Irish-Americans, without an exception, attributed the inception of the Land League to my speech in Boston, in December 1878, and I assume I used those words, and if I did, I must have been referring to that speech, and to the prevalent feeling in America about that speech. (Q.) But I must ask you, Mr. Davitt, is it not true? You meant to state what was true, did you not? —(A.) Well, I do not think it is literally true, because I had not consulted Mr. Parnell at the time I made that speech, and Mr. Parnell had chiefly to do with the organising of the Land League in Ireland in October 1879.”

Then Mr. Davitt proceeds. He says in his speech :—

“ The organization of land leagues is now going on rapidly in the four provinces, and I am happy to say that the farmers in Ulster are following the example of those of Leinster, Connaught, and Munster, in the grand work. The plan we work on is simple. We resort to every fair means to pull down and destroy the tyrant landlordism, and to trample it in the dust of its own rottenness. We cannot do it by parliamentary action alone, and we don't propose to confine ourselves to that means. What we propose is that the action of our men in Parliament shall be the reflex of the work going on in Ireland. It is an action of no compromise; and no man going to the House of Commons can say that our people will be satisfied with fixity of tenure, or other mild reforms.

“ There are two means which we pursue to accomplish our end. The first is a policy of destruction by hammering against landlordism. We are satisfied with nothing but its total abolition. In the House of Commons we pursue a constructive policy, so that you will be able to reconcile the speeches in Ireland against landlordism, and the speeches in the House which might not seem to be in keeping with those delivered by members of the same party in Ireland.”

Well, my Lords, if I may say so, that was the very evil of the course pursued. If the speeches that were made in the House of Commons had been made in Ireland, and the speeches that had been made in Ireland had been made in the House of Commons, we should have known more of the truth, and it would have been better for all concerned. Mr. Davitt is disclosing this action, constitutional action representing a constructive policy to the House of Commons; a destructive policy, represented by the speeches of the same men, in Ireland; so this constitutional movement, as my learned friend says, the movement of a nation, which is now being attacked, was drawn upon these lines which Mr. Davitt very frankly stated to his audience. It was necessary he should do so for the men in America who were moved by the appeals of the “ Irish World,” and had been subscribing to the revolutionary action, and the action of the physical force must have wondered often in their minds that those who had been placed before them as the very idols of their worship were constantly in the House of Commons, as this speech of Davitt's says, praying for and urging a constructive policy, and appearing as the opponents of the policy for which the money had been collected by the appeals in the “ Irish World.” And so here the truth is told. I do not know what to say of this speech. My Lord, I call it a very frank speech. Mr. Davitt calls it a very stupid speech. It is its own. At this very page, at the end of it, Mr. Davitt is finishing his speech thanked them for the sinews of war which they had furnished them to fight their great battle. He expresses some doubt (at least I do not think he says there is any doubt) as to the correctness of the report, but the Attorney-General says to him, “ That seems to be a very consecutive report at any rate.” “ Well,” says Mr. Davitt, “ I think it is a very stupid speech.” I suppose there are a great many speakers who very often think that of their speeches they have made some time before. But Mr. Davitt is a very practical man, dealing with a practical difficulty. He had then to remove from the American people, as I have said, the effect of these speeches, and so there is no stupidity. We must not give him credit for that, but with perfect truth and frankness he gives to them a narration of the position that everybody knew—at least, now knows—was the exact truth. At this Trainor Hall, Mr. Dillon (on the

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next page, 5682) who did not in America sympathise with the constructive policy started in the House of Parliament of England, says:

“ At last we have got a movement in Ireland that must succeed and overthrow the first garrison of an alien and hostile Government.”

And so by these two most able representatives of Mr. Parnell's proceedings the views of the leaders and founders of the Land League are placed before the American public. The proceedings at Trainor Hall seem to have had, as far as I can discover, only one question creating difference of opinion. That was in relation to the appointment of a treasurer. I will take Mr. Davitt's own account, at page 6342. The speech is this:

“ At this convention—a report of which has been put in in my evidence—there was a conflict between the extreme and conservative elements present over the creation of a central Land League treasury in America to which one party, the party advocating this treasury idea, wanted all subscriptions, in the first instance, to be forwarded, and to be from thence transmitted to Ireland. The Clerical and Conservative parties opposed the creation of any such treasury, on the grounds that it was not necessary, as funds could be sent by each branch direct to Ireland; and secondly, from the fear that such a central treasury might ultimately fall under the control of extremist influence.”

We will show your Lordship what did become of this. That is, I think, the only question of difference which arose, and the outcome of that Convention you will find in the rules of the American Land League, which you will find at page 5592. These are documents of some importance. You will find them at pages 5592–3. Before the rules you will find there is a document, “The means proposed to effect certain objects.” It speaks of the desire there is to spread the organisation throughout the counties of Ireland with the assistance of America.

Then at page 5593 this important statement is to be found as to the Land League movement in America:—

“ It is a movement which endangers no national principle nor asks its supporters to forego any reasonable or legitimate aspiration for the future of their country.”

Then come the Land League rules of a colourless character. Then, I think, we come to Mr. Davitt's action in support of this movement. It is to be noted, I think, that there has been, as I believe, a little mistake made by Mr. Parnell as to who officered this Land League in America. I do not know that it is important, but I wish to be quite clear upon the matter. At page 3898 Mr. Parnell says that Mr. Collins was the first president. That is not so. You will find that Mr. Davitt, whom I again take as my authority, at pages 6368–9, states what is the fact, I believe. I believe Mr. Davitt's recollection as opposed to Mr. Parnell's is correct, viz., that Mr. McCafferty became the first president of the American League, and he did that which you will find the American League very satisfactorily performed, viz., nothing. Mr. Davitt describes him himself. He says:—

“ Mr. John Dillon and I were present as representing the Land League of Ireland. I confess I am ignorant of Mr. McCafferty's qualifications for the post to which he was then appointed. The only one which I remember being advanced in his favour was the interesting one that he was supposed to be the handomest man in New England; and as this recommendation was put forward by a president the decision of the Convention must have been influenced by such an appeal to its fancy. Anyhow, whether it was the dignity or the duties of the office had less attraction for Mr. McCafferty, he, like the hero in Cowper's poem, did nothing with a deal of skill, and, therefore, leaves nothing either for the ‘Times’ to allege against or the defence to record in favour of his administration of the League.”

That is just our view, that is to say, that this American Land League was doing nothing and did do nothing until it became literally and truly a part of the Clan-na-Gael, organised, worked, and officered by Clan-na-Gael men, for Clan-na-Gael objects. But, at any rate, according to Mr. Davitt's view, Mr. McCafferty was doing neither

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harm nor good, and his term of office represented a colourless term of action for the Land League. In January 1881, as I have it, Mr. Collins was elected president, and that was at the Buffalo Convention. That of course accounts for Mr. Parnell thinking he was the first. It was within seven or eight months of the first formation of the Land League, and therefore it would be natural he should think so. In the book that was put in and referred to by Mr. Davitt, a book which Mr. Davitt read from, a collection of conventions, which he was good enough to allow us to peruse, at page 18 we find a little further index of the non-importance of this American Land League; it is established by even that which Mr. Davitt himself read. His speech is at page 6399. This is a quotation from page 18 of what I have termed the Convention book. This is an address from the treasurer of the Land League, the Rev. Lawrence Walsh, of Waterbury, Connecticut. He says under date of December 20th, 1880—

“To the Branch Land Leagues and their members. As I am the only officer
“ now in active service of the National organisation, I am compelled by circum-
“ stances to call a convention for Wednesday and Thursday, January 12th and
“ 13th, 1881, to be held in Buffalo.”

I gather from that that the Land League, I will not say was dying out, but had not commenced to live, and certainly under Mr. McCafferty's presidency we have found that nothing was done, and, as I shall show your Lordship, in Mr. Collins's presidency I believe very much the same state of things existed. The sums that were received I will call attention to hereafter. They did increase in 1882 to a very much larger amount than they had previously amounted to in contributions, but from May 1st, 1880, to January 1881 the sum received amounted to 3,111 dollars.

Now, my Lord, a word or two as to Mr. Davitt's action. Your Lordship will recollect Mr. Davitt has said that he did attend as representative of the Land League. He went to America certainly with Mr. Parnell's knowledge, Mr. Dillon, as I have said, remaining in America, but Mr. Davitt himself says he was there representing the Land League. Mr. Davitt attended five or six meetings of the Clan-na-Gael. He attended those meetings by virtue of a right of admission which he had secured in this fact—that he had been a member of the Supreme Council of the Irish Republican Brotherhood. I shall have to show your Lordships the identity of these two bodies. So far as the Irish Republican Brotherhood was concerned, of course it was a treasonable body. So far as the Clan-na-Gael has to be referred to, it is treasonable as affecting the members of it who owed allegiance to the Queen. It was hostile so far as it was composed of men of mere American birth. Still, therefore, whilst not wholly equally afflicted by treasonable qualities, those two bodies were substantially affected by the same blight. Sympathy, therefore was felt, and would be by those members of the Clan-na-Gael which had, as we shall see, a common government to some extent with the Irish Republican Brotherhood. And Mr. Davitt, having only very lately (I am speaking now of the period when he was in America) been a member of the Supreme Council, had the pass-word which would allow him to enter into the most secret meetings of the Clan-na-Gael. Mr. Davitt, himself, says that he did attend five or six camp meetings of the Clan-na-Gael:—

“That is when you were in America in the organising tour?—(A.) About
“ that number, but I think I might have attended more.”

He says whenever he was invited to go to any meetings of Irishmen he should have gone. He says also that he had been a member of the Supreme Council, and he had not attended since August or September 1879. He had been busy in other work. He had been in America until November 1878. He had been engaged in the organisation of Mayo during the spring of 1879, and therefore he had not much time to attend. But he was a member of that Council until the 1st of May 1880. That was a fortnight after the Rotunda meeting of the 29th of April 1880. He, therefore, at the time he reached America, would scarcely have known, unless it was sent to him by cablegram, of his expulsion, and being a member of the Supreme Council of the Irish Republican Brotherhood he obtained access to the meetings of the Clan-na-Gael. His account is this:—

“Being a member, or having been a member, of the Supreme Council, I had
“ the virtual *entrée* to the Clan-na-Gael, which, at that time embraced some of the
“ best men of the Irish race in America.”

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That statement is to be found at page 5597. Only one word more, I think, I may read of what was appearing in the "Irish World" at this time, namely, the 24th July 1880. This is a letter from Mr. Davitt, in which he says the Land League movement is but a temporary one:—

"The land movement therefore does not arrogate to itself the task which
 " other organizations are and have been engaged in here in America in working
 " for Ireland in another direction, nor do its leaders desire to interfere with such
 " work, or expect men engaged in it to transfer their exertions from one
 " department of national labour to that of the Land League

Then, my Lord, read with that light of public expression of Mr. Davitt's views, that the Land League leaders did not want men of other organizations to transfer their labours to the aid of the Land League, you can well understand how, by virtue of this, as he says, "right" of entrée into the secret meetings of the Clan-na-Gael, Mr. Davitt would urge upon those members of the Clan-na-Gael who doubted whether they should give support to the Land League, "Why you still can continue your
 " physical policy, or extreme policy, you that represent the wings of the Skirmishing
 " Fund. You more conservative members of the Clan-na-Gael will not be interfered
 " with in your separate action, if you should think it right to come in line with us in
 " supporting the Land League."

I think we may trace very shortly still more the history of this American Land League by showing very shortly that as it had been constituted at Trainor Hall it really fell to pieces. At page 3377 you will find that those rules I referred you to were very soon out of print, and this is the account which is given of what was done. This is an extract from the "Irish World":—

"Very soon this constitution was out of print, and instead of republishing it
 " Mr. Davitt wrote out a little 'rules and byelaws' himself, omitting the names
 " of the officers of the I.N.L.I.L., U.S.A., and casting out their presentation
 " of the 'objects' of the Land League. Davitt went to Ireland. After months
 " of masterly inactivity the executive (of the Trainor Hall League) quietly
 " went to pieces."

And taking that as representing the truth, I shall, as we go on, show your Lordship that what is called the American Land League was really the Clan-na-Gael; Clan-na-Gael men controlling it; Clan-na-Gael men being in fact the Land League, and, as in this instance, the vital part of its existence depended upon its money, you will find at page 3378 that all money that was collected was to go to the "Irish World." If you will allow me first to follow what I read at page 3377 this occurs—

"Meanwhile, seeing that nothing was being done in the way of organizing
 " the country, whilst hundreds of letters were pouring in upon the 'Irish World,'
 " begging it to do something in that direction,"

that is the "Irish World"

"we drafted a constitution fully expressing the principles of the 'Irish
 " World,' and at our own expense printed and mailed 5,000 copies of the same.
 " Here is the 'Irish World' Land League constitution."

Then to show how consistent the "Irish World" was, at the end occurs this:—

"We, therefore, band ourselves together, until landlordism *root and branch*
 " shall have been abolished, and the equal right of *every* man to share in the
 " bounties of God free of rent or other immoral exaction shall have been acknow-
 " ledged and established, nevermore to be denied or abridged."

Possibly that is one reason why I have still socialistic views in my mind in connexion with the "Irish World," but at any rate the "Irish World" now becomes, if not the parent at least the foster-parent of this Land League movement in America, and the "Irish World's" constitution is the constitution of the American Land League, and, as I said, although Mr. Patrick Ford was not a member, so far as we know, of the Clan-na-Gael, the Clan-na-Gael views and his own were pretty nearly identical, and you will find how soon the Clan-na-Gael pervades the "Irish World."

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[Continued.]

(*The President.*) What is the date of that "Irish World" constitution?

(*Sir H. James.*) It is the 19th March 1881. That there should be no doubt existing as to the authenticity of this statement, Mr. Davitt's views had better be read to you. At page 6342 he refers to this. He gives the date here and says:—

"In the issue of the 5th of February 1881, at page 4, there is an editorial article upon the subject (probably it would be another article) which explains the whole origin of the part played by the paper in the collection of Land League moneys. Mr. Davitt before his return to Ireland left 100 copies of a Land League constitution at the office of the 'Irish World.' These copies went to their destination in quick time. But calls coming in from all parts of the United States, and having no more printed documents to forward, the 'Irish World,' at its own risk, wrote out, printed, and distributed, 5,000 copies of a constitution, with a platform of principles, and instructions how to organise branches. These 5,000 little books we mailed to 5,000 different towns, and to our own readers only. The beneficial effects of that act are made manifest in the large weekly remittances sent to the Land League in Dublin."

Then it deals with some foolish jealousy as to the "Irish World," but I do not know whether those observations are very germane to this question.

[Adjourned till to-morrow at 10.30.]

Wednesday Nov. 6th 1889.

Sir. H. James.

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685. Letter of mine somewhere
691. Speech at Kansas Sept. 11th '80. } Davitt.
689 " " Chicago.
692 " " Virginia city.
Events occurring in Ireland after Parnell's return from U.S.:
87 Parnell Speech somewhere America saying "no election up to present" &c
53 - Imputation of Arms - Harris Evidence
59 - Jan. 10. 1880. Donoghue meeting Killarney.
29 - " 28. '80 - Malachi Sullivan letter
49. address (22 March ¹⁸⁸⁰ Cork Herald) by "Nationalists" of Cork.
This address actually unhorses James argument - because
the authors of this address are opposed to Parliamentary action.
Several other addresses were presented at same time.
01. Parnell on resolution League prohibiting League money for Party purposes.
" meeting Claremorris } May '80
" Beaufort - }
31. Brennan's letter to Harris
14 Parnell's view "Egan chief manager of League".
Speeches Spring of 1880:
311 } (Speech book) Brennan:
318 }
304 }
308 } Boyton
87 }
117 } Walsh of Bulla
27 }
08 } Gordon Shute
155 } Cong.
2327 } Sheridan
273 }
99 } Scrab
265 }
05 - Glennamaddy, "Pitypatrick" speech. Who was Pitypatrick?
848. Luno raid for arms Aug. '80. Cork Law League resolution.
" " action Law League Dublin on this resolution. This resolution again
unhorses James argument
56. Dillon visit to Cork. John O'Connor evidence. Quotation from Dillon's
speech.
52. Luno resolution rescinded. John O'Connor evidence
33. Parnell describes "Blarney Incident".

This incident again unhorses James argument.

* The Times has itself argued & put questions to the effect - that the Times did not commit outrage or crime *

The W. O'Brien thus abducted late Mayor of Cork!

5845. John O'Connor re/ Canon Sheehan's speech. O'Connor's speech again reads our not-Times case.

After Parliamentary Session of 1880

Enter on subject of agrarian crime & its causes.

* Tracing home to Land League & its leaders the cause of the crimes committed thereby prove charges made by Times.

This not-Times charge which was that "L-league leaders planned & paid for the perpetration of crime."

3667. Report referred to by Russell quoted by James.

3662. Referred to

641. Mr Blake's evidence

6663 - Oughterd District.

4433 Evidence of John Wigham re/ Distress re.

Oct. 10. 80 first meeting Castleisland L-league.

* (His argument based on my statement about "Politicians getting to hold League," destructive of his entire argument.)

1528 Feenick's murder.

3361. Par. Irish World on Feenick's murder.

2793. Boyd's murder.

433 & Speeches Parnell at New Ross.

819} Evidence re/ Mountmones murder

1455} Bundle

5384 Redpath's speech premier Sir John

See James on his opinions here expressed as to responsibility persons present when inflammatory language used.

4104-8 Parnell on Redpath.

1368. Irish World on Mountmones

murder Downey 1880, Oct-16.

page 6 of Piggis's speeches

4023 Speech Parnell deprecating murder.

195 (of speeches) Dillon at Kildare

Compensation for Disturbances Bill rejected by Lords cause of increase crime since 1880. Answer to James inquiring about the increase crime.

6 speeches. Dillon Kildare. (This country not included in James
'ripe' countries)

44. Dillon at Kildare

" " Thunders
" " Longue (Feb. '81)

" " Donyal

270. " " Kildare 1887.

Boycotting.

684 Boston July 80. Davitt's speech, on Boycotting
(~~No objection to this speech~~)

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1.

Wednesday, 6th November 1889.

(*Sir Henry James.*) My Lords, I have very few words to address to you in relation to the proceedings which occurred in America in the year 1880. Your Lordships will recollect that I had traced, or attempted to trace, some of the proceedings of the so-called Irish American Land League at this time, and I had reduced its action to a minimum so far as the year 1880 was concerned, and there only remains for me to notice one or two speeches of Mr. Davitt which he made in America before returning to Ireland. There is, in the first place, the letter of the 24th July 1880, which is set out at page 5685, to which I have already referred, but I will mention it again.

My Lords, Mr. Davitt there says:—

"The Land League movement is but a temporary one. The land movement, therefore, does not arrogate to itself the task which other organisations are and have been engaged in here in America in working for Ireland in another direction. Nor does its leaders desire to interfere with such work, or expect men engaged in it to transfer their exertions from one department of national labour to that of the Land League."

Then the question was put to Mr. Davitt as to the meaning of the language he had so used, and he was asked by my learned friend the Attorney-General what were the other organisations.

"What were the other organisations to which you refer in that letter?—
(A.) I think that would refer to extreme organisations, and that the Land League would not interfere at all with the management of their bodies.
(Q.) What was the work in which those extreme sections had been engaged in working for Ireland?—(A.) Well, promoting organisation. (Q.) Delivering of arms, distributing arms?—(A.) Well, I do not think they distribute arms in America. (*The President.*) Not in America?—(A.) No. (*The Attorney-General.*) 'Other organisations are and have been engaged here and in America in working for Ireland in another direction.' (Q.) I want to know what the work was which those other organisations had been engaged in?—(A.) Organisations and military training probably. (Q.) That would be with a view to ultimate resort to force?—(A.) To free Ireland, if there is a chance."

There is also, my Lords, a speech that I need not refer to again in detail, except to remind your Lordships of the date of the speech which I have always regarded and submit to your Lordships must be one of very great importance; it is the speech at Kansas, where Mr. Davitt declared his policy of unsettling Ireland. It is as early as December 10th, 1880. Mr. Davitt then found out, as I suggested, that he as the actual leader of the Land League movement was anxious that in some way or other Ireland should be kept in a state of unsettlement. The page on which this speech is set out is page 5691. The very words that he used were:—

"In addition to that we have, as you have already been told, declared an unceasing war against landlordism, not a war to call on our people to shoulder the rifle and go out in open field, and settle the question that is now agitating Ireland, although I am not opposed to a settlement of that nature, providing I could see a chance of success."

And later on in the same speech he says:—

"We know we are doing a proper work. We are preparing the way for that independence which you enjoy in this great American Republic. At present, however, we are engaged in a peaceful revolution."

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[Continued.]

That was a word that was used by Mr. Parnell to Mr. Ives. Then the speech proceeds :—

“ Already we have more than 100,000 enrolled in the League, and it will be increased to over 300,000, and they represent with their families over 1,000,000 of the people. England cannot afford to keep Ireland in this constant state of unsettlement, and we mean to keep Ireland in that state until England shall banish the landlord system.”

Then there are these words as to the peaceful resolution :—

“ And in declaring this war against Irish landlords in not paying rent in order to bring down their garrison in Ireland.”

Those words, my Lords, strike me as being rather more figurative than actual.

Then there are two other speeches, one in Chicago, which appears at page 5689, and in that speech Mr. Davitt shows that recourse to physical force is never absent under some circumstances from his policy and from his views.

“ Davitt alluded to the seizure of the 40 guns by the British constabulary, and declared that the convulsion of horror which grew out of it was because the English Government knew there were men in Ireland to-day absolutely feverish to clutch hundreds and thousands of rifles, in order not only to abolish Irish landlordism, but to consummate the hopes of Irishmen of abolishing something else.”

The last speech of which I have any report, at any rate to which I refer, made by Mr. Davitt before leaving America, is the speech at Virginia City, and it is reported at page 5692. Mr. Davitt says :—

“ In 1847 there was no public sentiment, such as now exists, and many well-to-do Irish farmers and tradesmen as well as English speculators, aided the landlords by bidding for the land from which tenants were evicted. There is none of this competition for land this time. There are not four cases in Ireland to-day where a farm has been occupied by a neighbour when the tenant was turned out. The byelaws of the Irish Land League declare that no person who bids for the land or cattle of a tenant evicted for inability to pay rent shall be admitted to the League, and that no matter how many farmers are evicted, the land shall remain untenanted until the system shall be abolished. No sale of goods shall be effected and no land tenanted after eviction.”

My Lords, after the visit of Mr. Davitt to America I think the result may be taken that he, in conjunction with Mr. Dillon, and following in the wake of Mr. Parnell's previous efforts, had done his best to establish this American Land League; weak without life, it proved at this time, yet the object was in view, no doubt, in America, to effect the same result as in Ireland, namely, under this constitutional cloak, as I have called it, to combine the two forces under the name of Nationalists. Mr. Davitt had every right to endeavour to obtain the confidence of the extreme section of Nationalists in America, and here in this speech I was endeavouring to show to your Lordships that Mr. Davitt from first to last during his visit across the Atlantic had been keeping the extremists in touch, appealing to their views, appealing to every sentiment he could, he did so, because, he says, he knew that the men who took interest at that time in Irish affairs were men of the extreme class. He appealed to those who would take constitutional means, because if he appealed to the Conservative and clerical class he knew it would have been useless. Mr. Davitt's policy was one which from his point of view was wisely conceived, namely, never to use words that would damp the ardour of the extreme men, but always to use words of encouragement.

On this point I will conclude all I have to say as to the occurrences in America during the years 1879 and 1880, at least events in America I will touch upon a little later afterwards with respect to 1880, but I think, my Lords, I have now to deal with those events which were occurring in Ireland, and the events which occurred immediately after Mr. Parnell's return, or at least, first, I have to deal with events which occurred during his absence and then what occurred immediately after his return.

Your Lordships will recollect that Mr. Parnell left Ireland in the month of December 1879, and he returned on the 20th March 1880. It is true, my Lords, that in the early days of the Land League comparatively little of active service was undertaken. The

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[Continued.]

winter of 1879 was, as we know, a winter of very great and severe distress, and the Land League after Mr. Parnell's departure, no doubt, did devote their attention, perhaps, to a great extent in relieving this distress. Your Lordships will find that referred to by Mr. Ives at page 570. It is an article written, a despatch as it is termed, on the 4th February 1880 to the "New York Herald" by Mr. Ives, and in it Mr. Ives says:—

"The land agitation has hidden its head for the moment; the agitators lending a hand in the common cause. Parnell's attack upon the Mansion House and the Duchess of Marlborough Funds is a crime, the responsibility of which no man should take upon himself at this time. The confusion thus caused only blinds the eyes of America to the present awful necessities of the Irish peasantry. If Parnell be a true Irish patriot he will sink animosities which everyone here deprecates, even his friends and sympathisers, and will become the champion in America of that cause in which all the world is one, the cause of charity."

My Lords, these words as to the condemnation of the attack on the Mansion House and the Duchess of Marlborough Funds referred to the conversation which took place between Mr. Parnell and Mr. Ives during the voyage to America. I need not enter upon it, but Mr. Parnell regarded the Duchess of Marlborough's Fund as being likely to be used for political purposes, and therefore he objected to it. Mr. Ives refers to that attack and deprecates it. The point that I am now upon is this, that one who was observing events, and who had visited the West Coast of Ireland at this time, does here state, what I am now suggesting to your Lordships is the case, that the Land League agitators were not active in agitation, that the Land agitation, had hidden its head for the moment, because the relief of distress had principally engrossed their attention.

Your Lordships will recollect that in the address that I mentioned yesterday that was issued, or rather in the suggestions that were issued, to the Land League branches at page 3317, and which is dated, or appeared in the "Nation" newspaper of the 3rd January, the Land League had then declared that they were willing to relieve distress.

My Lords, it is dealing not so much direct as contemporaneous circumstances that I ask your Lordships to consider what was the state of Ireland at this time, as we are now approaching the important consideration in relation to the alleged causes of crime. Will your Lordships note that at this time of which I am now speaking, namely, January 1880, Mr. Parnell is in America? I presume, however, he was kept well informed of the events in Ireland, and you will find that in his speech at Brooklyn, that was delivered on the 24th January 1880, and which speech is proved at page 3987, Mr. Parnell says that up to the present time there had been no evictions. It is in that speech where he says:—

"For if the people had been left to themselves as they were in 1847—then
"landlordism was synonymous with eviction, but up to the present time there
"have been no evictions."

My Lords, I, also dealing with contemporaneous matter, would remind your Lordships that, distress or no distress, the Irish Republican Brotherhood at this time was still at work.

We know what Devoy's report was up to August 1879. We knew that Mr. O'Kelly had offered his services at the end of 1879, or the beginning of 1880, and that the Supreme Council had refused his assistance; but, my Lords, during this time the importation of arms, more or less, was proceeding. We have evidence upon this point—important evidence I regard it—by Mr. Matthew Harris. My Lords, I would say at once, while I have a little more to say in relation to Mr. Harris, that in many respects I shall have to ask your Lordships to accept the statements Mr. Harris has made in the witness box as being accurate, and this is one of them. I am referring to the evidence which Mr. Harris gave, commencing at page 6053. You will recollect that Mr. Harris continued a member of the Supreme Council of the Fenian body until December 1880. He had been a veteran in support of the physical force movement, and, Parliamentary or not, he who had taken the oath of the allegiance to the intended Irish Republic had remained in that body, and had the confidence of that body, as far as we can trace, until December 1880.

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[Continued.]

My Lords, he is questioned as to the years between 1867 and 1869, and he is asked:—

“ You were living at that time at Ballinasloe?—I was. Did any such arms come here to you directly or to persons with whom you were acquainted during that time?—They did. A considerable number of arms?—I forget how much now, but considerable numbers.

“ In what way were those arms distributed?—They were given to the men who had paid for them.

“ Allow me to put the question to you in full, would they be distributed so that each man would be provided with a rifle, or one man in the household, or were they distributed in any large numbers?—Each man would be provided with a rifle and sword-bayonet.

“ And revolver too?—We never got revolvers in Ballinasloe, all rifles. I am speaking of Ballinasloe, but as far as you know I presume the mode of action was the same in other districts, the same as it existed in Ballinasloe?—The same as it existed in Ballinasloe.

“ I will not ask you for any names, but would they be distributed amongst the farming class?—Those which I got in Ballinasloe were distributed among the farmer class, and in the West of Ireland a great many of them reached the farming classes. More or less distributed. Each household would have one of these rifles with swords on them?—Yes, wherever a member of the household would pay for the rifle or bayonet, and was a member of the organisation. And I suppose the course would be that these arms would be kept concealed?—Yes, everything had to be done *sub rosa*.

“ But when each farmer or man got his rifle, did he keep it in a secret place, or did he bury it, or what was done with it?—He took care of it as best he could.

“ Those arms for the most part, I presume, remained amongst the people?—They did.

“ So when we come to the later period, the period of 1879, 1880, and 1881, the people would have the arms more or less in their possession?—Yes.”

I do not know that I need read more, but going step by step we find, I say, at this time, at the end of 1879 and the commencement of 1880, a period no doubt of distress, a dormant peasant class which had to be roused. We find that dormant peasant class in the possession of arms, arms at the command of the farmers in the West of Ireland, and of their sons, and the Land League being formed, and Mr. Parnell being surrounded by these selected lieutenants, as I have shown to your Lordships with rare exceptions, men who were prominent members of the Fenian body. This condition of things was known at least to those who surrounded Mr. Parnell. It must have been known, as it is proved here by one who I think might well be trusted by Mr. Parnell, Mr. Matthew Harris. It was known especially to Mr. Davitt, it was known to Patrick Egan, and it was known to Brennan, and I think, my Lords, given every allowance for his forgetfulness, it must even have been known to Mr. Biggar. Under these circumstances there are traces of one or two meetings. I think it was on January 10, 1880, that the O'Donoghue held a meeting (it was the 9th or 10th) at Killarney. It is reported or mentioned by Mr. Leonard in his evidence at p. 959. Up to this time, according to Mr. Leonard, that district had been peaceful. That speech (I do not think we have a verbatim report of it) seems to have been a fairly irritating speech or exciting speech to the dormant peasantry, and, according to Mr. Leonard's evidence, from that time that district in Kerry became disturbed, and difficulties were engendered and arose between the landlord and the tenant. My Lords, we look to see who at this time were managing the Land League. I refer your Lordships again—I have referred to it more than once, I think—I will not read it in full, to the letter on January 28th, 1880. It is set out at page 1929, in which Malachi Sullivan tells Mr. Matthew Harris that the League is under the control of Mr. Davitt, Mr. Patrick Egan, and Mr. Brennan. There are one or two meetings, but few meetings are at Currow, in Sligo, where Sheridan attended; there is also one in Mayo, but there were very few meetings held at this time. My Lords, the reason for that may be accounted for. Engaged in the relief of distress the Land League was, we know; but at this time there was also a comparative absence of money. In the Ives interview Mr. Parnell

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[Continued.]

explains that the funds of the League at that time had reached but a small amount, all that had been received was 240*l*. "We have not made any organised attempt to collect subscriptions in Ireland, but received when I left 1,200 dollars from various sources." This is at page 482. It is true Mr. Davitt in this night's excursion to which Mr. Ferguson referred, which must have been about the 20th January 1880, was anticipating money from America, and anticipating money from Patrick Ford, but the money, as your Lordships will see from the account given in the schedule of Mr. Hardcastle's evidence, had not then arrived.

Under these circumstances, Mr. Parnell returned for the purpose of taking part, as I said, in the general election of 1880, to Ireland on the 20th March 1880. He landed at Queenstown, and at Cork, the county that he then represented, he receives an address of congratulation from the Fenian body, a local body at Cork. The account of that is given at page 5847. It is reported in the "Cork Herald" of the 22nd March. It is an address of congratulation to Mr. Parnell on his return to his native country.

"Fresh from the noble mission you have undertaken, we, the Nationalists of this great country and city of Cork, hasten to greet you and offer the cordial welcome of not ungrateful hearts We cannot deny our applause to any representative or body of representatives who honestly and courageously strive to improve the condition of our people. But while saying this we must take the opportunity to express our clear conviction of the hopelessness of looking for justice in Ireland from the English Parliament, and the firm belief of the intelligent manhood of the country that it is utterly futile to seek for any practical material good through the means of Parliamentary representation. Impelled by such convictions the Nationalists of the country have determined that, as a political party, they will take no part in the coming elections, and consequently no part in the adoption, rejection, or support of the Parliamentary candidates. It shall be their duty to watch the course of events, and also to remind Irishmen that in themselves, in their virtue, and in their own courage in their perseverance in the practical work lies the best hope for the prospects and the regeneration of Ireland."

My Lords, that word "Nationalists" represents their particular body. It represents, according to Mr. Parnell, up to the time of the Land League, the Fenians, it represented them at this time, namely, March 1880. If the body, the Nationalists, had taken a determined, that is a plainer, part, that they would take no share in the coming elections, that could not refer to Land League leaders as a whole, Mr. Parnell represents the Land League was of course a parliamentary policy. This is his statement, made in this country, and was received by Mr. Parnell in that spirit. The names are given R. Cronin, two Murphy's, and four or five others, including P. N. Fitzgerald, and he is asked as to these men, as to who they were. As to some of them, especially Mr. Cronin, Mr. Parnell says—

"I do not think you ought to ask me that question."

Then this question was put to Mr. Parnell.

"Were not every one of these six persons Fenians?—I think they would represent Fenian opinions."

And so the welcome being given to Mr. Parnell in that way, his next step of congratulation is not an unusual one, and that was that he should be entertained at dinner, I make no further comment upon the reception, except to remind you that there was made that sad speech of Mr. Biggar, that Hartman speech. I will not stop to demonstrate to you (as I think I can) that the report is accurate and true. It was Mr. Parnell's fate to sit by and to hear that gentleman, who up to that time had been his principal assistant in Parliament, use words of encouragement to an assassin of the most miserable description, and of the character of a man who must have been execrated by every right thinking person. But without reference to that matter, it was the manner in which Mr. Parnell was welcomed to this country. The Fenians met him, the Fenians addressed him, and what I shall have to say I much regret to say, assassination encouraged before him.

The next event that I know of in connexion with Mr. Parnell's early action upon his return, was to obtain a sum of 2,000*l*. from Mr. Egan for electioneering purposes. I

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[Continued.]

am not mentioning facts simply to recite them unless they have importance attaching to them, at least, as I respectfully think. The importance of this matter is to show that the action of the League, even as to dealing with its money, was left to Mr. Patrick Egan, with whose proceeding, of course, I have to deal. Your Lordships will recollect that by the 7th Resolution, passed at the meeting of the 21st of October 1879, when the League was formed, it was determined that no money should be devoted for Parliamentary purposes or for electioneering purposes. It is the 7th Resolution. Mr. Parnell himself takes that view, because he says, at page 3901—

“A resolution had been passed at the formation of the Land League, at the tail end of the proceedings, prohibiting any of the Land League money from being used for Parliamentary purposes. I did not myself altogether approve of that resolution; in fact I did not approve of it at all, but I supposed that it would have no material effect, since at that time I did not suppose we should have sufficient money to use for Parliamentary purposes, and I took no notice of it. However, on my return I found that resolution staring me in the face on my making application for some money to pay the expenses of our campaign. (Q.) To whom?—(A.) To Mr. Egan. However, Mr. Egan took a large view of it, and he met me, and I think the resolution was rescinded, and he gave me a cheque for 2,000*l.*, which was about all that we had for the election fight.”

Well, Mr. Parnell says that he thinks the resolution was rescinded. I am glad I am speaking in the presence of Mr. Davitt, who will correct me (at least, I hope so) if I am wrong; but I can find no trace of any rescission of that resolution. I find no reference to it in the proceedings of the League. I can find no trace of it in any notice of any changes at the time; and I find no notice of it in any speech. In this mass of matter it is impossible to do other than overlook some of the “Times” evidence, but I believe you will find no trace of any alteration in that resolution. And in the face of it and against the very terms of it, Mr. Egan, without, so far as we know, consulting his colleagues, occupied such a position that he, in conjunction with Mr. Parnell, deemed it right to apply that sum of 2,000*l.* to the support of the supporters or colleagues of Mr. Parnell in their Parliamentary duties. My Lord, of course distress had stayed the agitation to some extent; the general election, which would be concluded towards the end of the third week in April, also would engage attention. The Members of Parliament would then have to attend to their Parliamentary duties; and so it was, that during this spring of 1880, you find comparatively little agitation proceeding. Mr. Parnell himself, on the 3rd of May, attended a Nationalist meeting in Mayo, at Claremorris. There were two meetings which I have to refer to in another sense; they were not Land League meetings, at least not of the character of the ordinary Land League meetings. One was the Enniscorthy scene, when Mr. Parnell assisted Mr. Burne in his election; and the other was the Rotunda meeting, taking place, as we know, on the 29th of April 1880.

I have to refer to these meetings because they are put forward by my learned friend as proof of the existence of secret societies. And it is in relation to the argument that we have to employ, when endeavouring to show to you that no secret societies existed except the moonlighters carrying out the behests of the Land League, that I shall have again to refer to those two meetings. One was an election meeting and one was a meeting at the Rotunda in Dublin; but I find no trace of Mr. Parnell attending what would be called a purely Land League meeting, except this one of May 3rd 1880, until we come to a later date, between which and the time of which I am now speaking I seek to draw a line. I said Claremorris; there is another meeting in Beaufort. I was thinking for a moment this was the Beaufort meeting.

(*The President.*) What was the date of that?

(*Sir H. James.*) The Beaufort meeting I will give you in one moment. I think the date of it is the 5th; it certainly is in the month of May, Beaufort in Kerry. Proceeding with the early month of May, you will recollect Mr. Davitt, following Mr. Parnell, and to supply his place, went to America in May 1880.

(*Mr. Justice A. L. Smith.*) The date is the 15th of May.

(*Sir H. James.*) Yes. Mr. Davitt—of course, I regard him as the head of the League—at this time leaving, some one had to supply his place. My Lords, those from whom we must make selection as the representatives of Mr. Davitt, are Brennan

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[Continued.]

and Egan. Mr. Brennan, writing to Mr. Matthew Harris, says, on the 22nd of May, 1880, page 1931 :—

“ When Mr. Davitt was leaving for America he requested me to open what-
“ ever letters would come for him, and through that means I read your last letter
“ to him.”

Mr. Parnell's view is given at page 4014, that Mr. Egan was the chief manager of the Land League. My Lord, with reference to what I said as to the Land League not making much progress during the winter of 1879, Mr. Parnell, at this page 4014, says :—

“ When I returned from America I asked Mr. Egan and Mr. Davitt what
“ they had been doing, and they told me they had been chiefly occupied—almost
“ entirely occupied—in the relief of distress during the winter.”

Then further on he is asked :—

“ In whose hands was the management of the League left?—(A.) The
“ management of the League was in the hands of Mr. Davitt and Mr. Egan, and
“ secondarily of Mr. Brennan. (Q.) When did Mr. Davitt go to America?—(A.)
“ Mr. Davitt I suppose went to America some time in the early part of 1881.
“ (Mr. Davitt.) 1880. (The Attorney-General.) Not before 1881?—(A.) I mean
“ 1880. (The Attorney-General.) I must ask that I may put my questions and
“ have the answers from the witness. I do not want to catch you by mere date ;
“ but you have said Davitt managed the Land League in the year 1880. Did not
“ Davitt go back to America with your concurrence and on your advice in
“ consequence of your having had to return to England?—(A.) Excuse me. I
“ said the management of the Land League upon my return from America was
“ in the hands of Mr. Egan and Mr. Davitt, and secondarily of Mr. Brennan
“ (Q.) Who managed the Land League during the interval from March 1880 to
“ September 1880? (A.) Mr. Egan must have been the chief manager of the
“ Land League.

And so, my Lords, giving this authority to Mr. Brennan, he being one of the *triumvirate* to which I have referred, Mr. Parnell gave it to Mr. Brennan, and Mr. Parnell regarded Mr. Egan as the chief manager of the Land League. We still have the power retained in the hands of these three gentlemen, all of whom we know were leading members of the Fenian body. Mr. Davitt, who gives me valuable suggestions, says not at this time. I must withdraw the word leading if Mr. Davitt takes exception to it. Mr. Davitt was a member of the Supreme Council till the month of May 1880, and at the time he left the Supreme Council he was not expelled the body, but he remained on a member of the Fenian body till he was expelled.

(Mr. M. Davitt.) I know it was proved Mr. Egan was expelled from the Fenian organisation before this.

(Sir H. James.) I will not contest that matter. I do not think he was expelled from the Fenian body. I do not think Mr. Davitt attaches the importance I do to ceasing to act on the Supreme Council and still remaining a member of the Fenian body. I have made a collection of the speeches during the spring of 1880, and I have to exercise in relation to them such judgment as I possess—for I do not wish to burden your Lordship's note even by way of suggestion with such as you may regard as immaterial. But I have here a collection of the speeches made during 1880, and you will find a singular absence, for the reasons I have given, of speeches of members of Parliament at that time. I have spoken of Mr. Parnell's speech at Beaufort in Kerry, May 16th. I have spoken of the Claremorris speech, May 5th. There is also a speech of Mr. Dillon on the 15th of August at Kildare, to which for another purpose I have to refer. But with the exception of these gentlemen, so far as the evidence I have placed before you, and I presume that that evidence would touch upon many, if not all the speeches made by Members of Parliament. I find that speeches were made at that time by Brennan, Boyton Walsh of Balla, Gordon, M. M. O'Sullivan, J. P. Quinn, Sheridan, and this man Nally, whom we call Scrab Nally. Some of these speeches are, of course, speeches eminently fitted to carry out Mr. Davitt's policy of inspiring the Irish mind. I do not think it immaterial. The speeches that I refer to in that sense would be Mr. Brennan's speech

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reported at page 311 in the speech book, the 30th of May 1880; another speech of his on the 27th of June 1880, page 383; the speeches of Boyton at pages 304 and 308 of the 13th of June 1880; and another speech of his at Cardonnagh, page 87 of the book, of the date of the 4th July 1880.

Then, my Lord, Walsh of Balla makes a speech at page 118 on the 22nd of August, and at French Park at page 327.

My Lords, there is a speech I shall have to read to you, occurring as it did before one of the sad murders I shall have in a few minutes to deal with, made by this man Gordon, at Shrute, and the report of which is found at page 108. There is a second speech at Cong, and Galway also an important speech, page 115. Mr. Quinn, the secretary, makes a speech which is reported at page 370, on the 25th of July. Sheridan makes two speeches in August and July 1880, which are reported at pages 232 and 373. And Mr. Scrabnally makes two speeches, reported at pages 99 and 265.

(*The President.*) What is the date of those?

(*Sir H. James.*) Those speeches are in May 1880, and the 13th of June 1880. My Lords, I cannot, if I have any regard to the strain I am placing upon your Lordship's attention, of course, read these speeches *in extenso*, I will give them to you, and respectfully ask references should be made to them. With this observation, that the result of those speeches, is to admit a policy of separation of Ireland from Great Britain; the destruction of the system of landlordism; and as to the treatment of persons taking evicted farms. These were Land League meetings. At one meeting, on the occasion when Mr. Boyton spoke—and in reference to that speech—he is termed in the minute book of the Maryborough Branch of the League a delegate from the Central Office in Dublin. We know, by means of the letter of Mr. Dillon to Mr. Harris, that at this time some men were at work, and some organisation was going on. And I think these men by their speeches represented the work coming from the organisation. I would ask you to note how far these doctrines, supported by these men at this time, were the doctrines of the Land League. The programme framed to meet timid reformers was one thing; the speeches of these men to the peasants assembled round the platform was another. These speeches for the most part, I presume, would not be very widely circulated by means of journalistic report; and they would meet with but little attention in Ireland and still less in England. They would be intended for their hearers only. As far as this country was concerned, they would not clash with the words of those members of Parliament to whom Mr. Davitt referred when in America. They were using words and language there that should be of a different character to those words that were intended to be, and were used in Ireland.

There is, my Lord, at least one of these speeches that I cannot refrain from reading. It is a speech that was made at a place called Glenamaddy. It is made by a person of the name of FitzPatrick, of Williamstown, after Mr. J. P. Quinn, whom your Lordship knows was for a time the assistant secretary of the League afterwards, at the time subsequent to this but who appeared at that meeting as delegate from Dublin. It is page 105 of the speeches. The name is given O'Dunn, but it is struck through and Quinn is given—

“Quinn, delegate from Dublin, addressed a few remarks and said that he was
“connected with the Land League since its initiation, and thought that he had
“never done a better day's work than he had done to-day in making up the
“difference between the two parties, and hoped that they would all join the
“League and that there would not be any more difference between them, and
“said that in the course of a few years they would be done with blasted
“landlordism, and hoped he would have the pleasure of addressing them again
“in a short time. He was in a hurry to-day to go to Dunmore, where he had to
“address another meeting.”

I have read Mr. Davitt these words because I do not think I am positively justified in saying that he was present. He was a delegate at this meeting and may or may not have heard these words:—

“Fitzpatrick Williamstown then came forward and spoke of the blasted
“hated landlords, and desired the people to organise and unite, and said that
“the English came into Ireland under the pirate flag, and afterwards hoisted the

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“ blasted flag, and after sowing disunion throughout the land referred to the Queen, but stopped, as it was the Queen of Liberty he meant. The meeting is small, you all understand what I mean. I cannot say all I mean, the R.I.C. are taking notes. My friends, the Peace Preservation Act is out. You can have your guns and pistols—(cheers)—and any man taking land from which a tenant is evicted or had to give up in consequence of rack-rents, love him, keep close to him, don't lose sight of him. As I said before I cannot speak my mind. You all know what I mean. (Cheers.) I must give the sergeant time to take notes.”

What that man incautiously said in language no one can misunderstand is, as I am about to suggest to you hereafter, simply the exaggerated open language, that repeats the same idea, expressed in hidden covert language of those who had more skill in expression, as they follow afterwards. I do not know whether I can add much more to what was said by this speaker in the early part of his speech. Here are a few words more which I ought to read:—

“ He then referred to the murder of Mr. Young near Castlerea, and described the witness Clarke as Lanty Moore, and called him a vowed perjurer, who swore at the coroner's inquest that he did not know who shot Mr. Young, and afterwards swore against those two men, and kept them from their wives and families for the last two years. Afraid to put them on trial knowing that no honest jury of the co. Roscommon would convict them on the oath of such a perjurer; the blasted Government has him (Lanty Moore) guarded by police and has two of them walking after him and you must pay for them.”

“ (A voice: Its money he wants.)

“ (Another voice: Its an ounce of lead he wants.)

“ Fitzpatrick: He will get it too, winking at the crowd. You know that, the Peace Preservation Act is out, as I said before. I could not speak plain as the Royal Irish Constabulary are here. Ye all know what I mean.”

So, my Lord, whether Mr. Quinn was present or not it proceeded. Speakers who were discreet, covering their language in great degree; speakers who were less discreet, speaking openly, and with that quick intelligence the Irish tenant possessed, they all of them conveyed what was their meaning and what was their intention.

There is an incident to which I wish to refer, that occurred at the end of the summer of 1880, which I would suggest to you throws great light upon those who in the fullest degree possessed the authority of the League, for they were the League and the managing body of the League. It was that incident that I am sure has caught your attention, namely, the raid for arms upon the vessel called the “Juno.” It is an occurrence in the month of August 1880, when there were 40 cases of firearms and some cases of cutlasses, a large number of which were stolen from a vessel called the “Juno,” lying, I think, in Bantry Bay. I cannot trace the exact place but somewhere in the connty of Cork where the vessel lay. I do not know that that is very material. You will find it is referred to at page 5848. It is about six miles from Cork my learned friend tells me. The first matter I wish to refer to is at page 5849, the action of the members of the Cork Land League. These gentlemen I have no doubt had read the open programme. They had listened to the words that from time to time without doubt, were used by the Land League leaders, words conveying devotion to constitutional action only. And so these gentlemen forming the Cork Land League, when they heard of the raid for arms, it not being exactly within their idea of a constitutional course, and not finding any mention of such a class of proceeding in the open programme, thought that they should be in accordance with the wishes of the Land League if they said that such a theft so likely to be used for physical force purposes was to be condemned. So you will find that a resolution was moved:—

“ That we deeply regret that the robbery of useless old fire-arms has taken place; that we condemn lawlessness in any shape, and we believe the occurrence must have been effected by those desiring to see a renewal of the Coercion Acts imposed upon this country and who wish to give Government good value for their secret service money.”

That was spoken to, and, as I understand, moved by Mr. Cronin, and it was seconded

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by Mr. O'Brien. He is a gentleman who has been mayor of Cork. He has ceased to be so now, but he has been the head of the corporate body in Cork. He (page 5850)—

“Seconded the resolution, and in doing so observed that amongst the persons upon whom the Government would try to throw the odium of stealing these arms were many who had a great deal more common sense and talent than would lead them to rob and carry away a few old rusty fire-arms.”

An amendment was moved, but the Constitutionalists in Cork acting in their belief of the views of their leaders, carried that resolution by a very large majority, and so we have a resolution condemning lawlessness in any shape. Now, my Lord, comes the material consideration. What did the Land League authorities think of this resolution? What view did the men, many of them acting simply as the representatives of Mr. Davitt's ideas, take of a condemnation of lawlessness? Their idea is made very clear. On page 5849 we find the action of the Land League. The report that I have read to you of the proceedings in Cork was in the “Freeman's Journal” of the 16th of August. On the 19th of August we find in the “Cork Herald” the occurrence in Dublin.

“At the meeting of the National Land League, Dublin, on Tuesday, Mr Brennan”—

at this time in charge of the Land League,

“said a branch of the Land League had been discussing matters that it ought to have left alone. They had seen by the “Freeman” of the previous day that the Cork branch of the Land League had taken up a matter that did not come under its province at all. It would be just as well if they would confine themselves for the future to the objects for which they were formed. They had no more to do with the subject they discussed than with the relative merits of the candidates for the Presidency of America.”

“The chairman said he felt strongly with Mr. Brennan in this matter.”

It is stated here that Mr. Dillon was in the chair.

“The resolution passed by the Cork Land League was entirely without its sphere. It assumed a right to do what the Land League distinctly condemned and repudiated, namely, judging the case of men who did not belong to their body. They did not want to place themselves in antagonism with any other bodies in Ireland who were not placing themselves in antagonism with them, and the same liberty which they claimed for themselves they must be prepared to allow to others. He did not know whether it was desirable to pass any resolution on the subject or not, but he took the general sense of the meeting to be that they entirely disclaimed the resolution passed by the Cork Land League, and emphatically stated that it in no degree represented the feeling of that organisation.”

Mr. John O'Connor, who locally was well acquainted with all that was taking place, is asked:—

“Now, who were the body that they were to have placed themselves in antagonism with by condemning this?—(A.) The Fenian organisation, I suppose.”

I ask your Lordship to allow me for a moment to dwell upon this resolution. It is nothing that has fallen from men by the way. It is nothing hurriedly or thoughtlessly spoken. The resolution expressed the views of the Land League generally. A distinguished actor in these scenes, Mr. Dillon, representing the Land League, selected to take the chair at this meeting, expresses his views. And Mr. Brennan, the lieutenant in charge of the Land League, with the permission and sanction of Mr. Parnell, and at the request of Mr. Davitt, is the person who brings forward this resolution. The conduct they condemned was simply the action of men who, objecting to lawlessness, endeavoured to stop the robbery of arms. That robbery of arms meant not only an action of open warfare by men in the field: it represented at the least the distribution that Mr. Harris spoke of. If the Irish Republican Brotherhood imported arms, Mr. Harris tells us they were distributed to the farmers and farmers' sons, to be used whenever the

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men who held them thought they could be usefully employed. If they were stolen they would be used and distributed for the same purpose. The men who stole them were the Fenian body, says Mr. O'Connor; the same men who were importing arms to be distributed, says Mr. Matthew Harris; and so, my Lord, the Land League, when for the first time it discovers a branch, and an important branch, taking a course strictly within the constitutional line, condemning lawlessness of any kind and refusing to allow the action of the Fenian body to be passed by unnoticed, I was going to say under its very corporate seal, but certainly all the solemnity that could be given to it, such as should be found existing in the meetings of the Land League, was afforded by the Land League in condemning the action of these men. And not content with a condemnation divested of reason, the reasons are given, namely, What right have you, the Land League, apparently, and to the public acting constitutionally, to say one word condemning a theft of arms to be used as men may think proper according to their own individual judgment? You have nothing to do with staying lawlessness of any kind. That was the condemnation of the Cork Land League. If that is the view of the Central League by its authorised representatives when applying its judgment to this kind of lawlessness—lawlessness of any kind as it is described—what was its judgment and what were its wishes when dealing with lawlessness of a more acutely criminal character—with a lawlessness we shall have to deal with here in this inquiry in a very short time—that crime which must come under the term “lawlessness of any kind,” and which the Land League and its central body forbade anyone to interfere with, if that crime should be committed by persons even not in complete sympathy with the Land League?

This incident is full of importance, and one other matter in connexion with it I wish to refer to. Not content with this general condemnation this unfortunate constitutional body, the Cork Land League, had to be punished and had to be dealt with. The next step that is taken to show the hostility of the Land League to condemnation of lawlessness in any shape was that Mr. Dillon, the chairman of the meeting in Dublin arrives in Cork to put an end to this rebellious body of the Land League. You will find that at page 5856 we have recorded the fact that Mr. Dillon came down from Dublin, a meeting being called by circular, signed by Mr. Parnell. That is the suggestion. The witness, Mr. John O'Connor, says:—

“I recollect Mr. Dillon coming to town Very probably I was
“ present in the meeting.”

And then Mr. Dillon says:—

“Now, I think it right to point out, especially in this city, that those who say
“ that this movement is antagonistic to any other movement which has the good
“ of Ireland in view are misrepresenting our motives, and are treating us with
“ the grossest injustice, and I venture to say that I am known to have the warmest
“ sympathy with other movements that have the good of Ireland in view.”

Your Lordship will recollect, Cork Fenians were meeting Mr. Parnell; Cork Fenians, or something worse, were listening to Mr. Biggar's appeal to Hartmann; then here Mr. Dillon, speaking to the same men—men who must have been in a majority, and at this time generally throughout Cork, if not within the very Land League itself, telling them other movements are the movements I have sympathy with, and we can have no hostility to men who make raids for arms and distribute them, it may be at least, amongst the peasants of Ireland. Then Mr. Dillon proceeds:—

“This movement is purely a temporary movement. We all wish that it may
“ come to an end, and that the Land League may cease to exist very soon. The
“ sooner the cause ceases to exist the better I shall be pleased, because I don't like
“ agitation at all myself. But what has thrown me into this movement is the conviction that I do not see any practical way of effecting good for Ireland so long as the
“ existence of the vast majority of the Irish people depends upon the whim and caprice
“ of a small class, and that class, nine-tenths of them at least, English in sentiment,
“ and apparently absolutely indifferent to the honour or prosperity of their own
“ country, and I cannot understand the feelings of the Nationalist Irishman who
“ thinks that the cause of Ireland will be injured because we emancipated the masses
“ of the Irish people from a position which might almost be described as serfdom,
“ from living on the caprice of a few and placed them in the position of freemen.

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“ All I can say is that if I thought that the Irish people were to be turned aside from
 “ the true path of Irish nationality by such action as that ; if I believed that the
 “ Irish people, when placed in that position were going to turn their backs on
 “ the feelings and sentiments of Irish nationality, I would turn an Englishman
 “ and be glad to forget my country, because I believe that the people who are only
 “ made national by being kept down and in slavery are a people that a man ought not
 “ to care to work for. I would wish to say just this one word in answer to those
 “ who accuse me, and men like me, of going in for agitation, that the work in
 “ which we are engaged is not agitation in the ordinary acceptance of the word,
 “ because I have always told the people at public meetings that those meetings
 “ amount to nothing.”

Upon that view I shall have something more to say. Then the speech proceeds ; but the result seems to be that there was an entire reorganisation of this unfortunate body. The Attorney-General points out to me what I have to mention in another particular. This refers entirely to another point. That speech I know is most important when we deal with public meetings, but I would rather defer referring to it in that sense. This unfortunate Land League, condemned by resolution, is re-organised, and we have the account of that. There is a meeting attended by Mr. O'Connor in which the motion has to be rescinded in the first instance at Cork. It is proved by Mr. John O'Connor in his evidence that he attended at this meeting, and that he objected to what had taken place, and that the original resolution had to be rescinded. It is at page 5852.

Now, my Lords, I have to deal with one small matter, not an interesting matter, to which Mr. Parnell seemed to attach considerable importance. It is mentioned by Mr. Parnell at page 4233. The object of this evidence was to show that there was a body in Ireland hostile to Mr. Parnell, at that time opposed to him, and who would be likely, I presume, to be committing crime, *in invitum*, hostilely to the Land League. In that sense and with that view, at page 4233, Mr. Parnell describes a scene which has been called the Blarney incident. He says :—

“ I was to leave the train at Blarney for the purpose of proceeding by road,
 “ escorted by the farmers of the county, into Cork. It was some few miles from
 “ Cork, and when we left the train for that purpose, and the procession had started,
 “ it was attacked by a large party of these men from Cork, the physical force
 “ party, who proceeded in the way that I have already described to your Lord-
 “ ships, drew their revolvers and attacked the procession and stopped it. There
 “ was considerable confusion. The farmers retaliated, and there was a fight
 “ between my party and this party. However, the result was that it was agreed
 “ that if the physical force party were allowed to select two from amongst my
 “ friends as hostages, and carry them away, that they would allow us to go into
 “ Cork in peace. This was done. Mr. Cronin, I think, and Mr. O'Brien were
 “ taken out of their carriages, and carried off, and kept away from Cork by these
 “ people for the day.”

Well, from that it appears as if there was a state of civil war ; that the physical force party objecting to Mr. Parnell's movements were attacking him and attacking these constitutional farmers who had accompanied him into Cork. But, my Lords, let us read what this is by the light of what occurred. These people came out from Cork. The date of this, your Lordships will see, is in the autumn of 1880, and you will find, I think, it is after the occurrences with which we have been dealing. Those occurrences were in August, and so these people coming out from Cork demand two hostages ; and it is a remarkable fact that the hostages they demanded were those two unfortunate, constitutional, misguided men who had condemned the raid on the “ Juno.” They asked for Mr. Cronin who had proposed it and Mr. O'Brien who had seconded it, and they took them off as hostages so that their evil influence should not contaminate Mr. Parnell. But who had also condemned Cronin and O'Brien ? The Land League in Dublin had condemned these two unfortunate men also, and the men who came out from Cork and took possession of them as hostages were the humble imitators and followers of Mr. Dillon and Mr. Brennan. If these men were objecting to Cronin and O'Brien sitting by Mr. Parnell's side as he went into Cork, and wished that they should gather round him, they had done so simply because Mr. Dillon and

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Mr. Brennan had told them that Cronin and O'Brien were evil-doers and ought to be condemned, and ought to be sent away from the Land League. This incident, which is put forward as being a proof of the hostility of the extreme classes to Mr. Parnell, is a hostility which Mr. Dillon and Mr. Brennan had called into existence, and of the men who were simply following their lead. And so when an attempt is to be made to throw upon hostile physical force men the responsibility of evil deeds done, let it be noted that, as far as I know, in the only prominent instance of the Land League dealing with an interference against lawlessness by any branch, instead of encouraging the branch, as has been told you by counsel in this Court, to discountenance crime or lawlessness, they condemned the men who to the best of their ability were endeavouring to stop the commission of such lawless crime; they condemn them, they disband them, they prevent them taking such a course for the future. They encourage men so to act that those who had been the chief movers in such condemnation have to be seized as hostages, and Fenian rabble, as they may be termed now, at Cork, led by the words and by the action of Mr. Dillon and Mr. Brennan, are simply men enlisted in the army that Mr. Parnell at Mr. Davitt's suggestion had called into existence, and here we find not only a mere alliance between the two wings of the army, but, as upon this October day Mr. Parnell rode into Cork with Mr. Cronin and Mr. O'Brien torn from his side, he led in person these Fenian men, it may be he was leading the very men who had committed this very raid, and as it was we are told, with music playing and flags flying, Mr. Parnell entered the loyal city of Cork at the head of these Fenian and criminal men.

There is one other small matter to which I wish to refer in this connexion. It is the position Mr. John O'Connor took up. He had spoken of the rescission of the resolution at pages 5851 and 5852, as I have given it to your Lordship, but there is one matter more I would note or ask your Lordships to note. At page 5845 Mr. John O'Connor refers to a meeting at which Canon Shinkwin was present, and it seems from the answer that is given to Question 90,746 that this Canon Shinkwin was sharing probably the same unfortunate ideas of Mr. Cronin and Mr. O'Brien and that he had made some reference to revolutionary forces. You will recollect Mr. O'Connor's position. He had been a member of the Fenian body. He had been attracted by Devoy's open writings telling him to come out of the rat-holes of conspiracy and to join the open movement; but he had also listened to Devoy's secret words, which had told him to do nothing of the kind and had suggested to him the propriety of remaining still in the Fenian body and co-operating with him. And so when Canon Shinkwin (unfortunately, as Mr. O'Connor thought) made some reference to revolutionary forces, when he had, as Mr. O'Connor said, "indulged in a denunciation of revolution and revolutionary measures," Mr. O'Connor thought any such observation to be altogether uncalled for. This is still a member of the Land League, one of the parties here before your Lordship as a respondent, a member of Parliament, one who is said to be, of course, a representative of this constitutional movement. Then you will find that Mr. O'Connor proceeds to state that he did protest against such language. He says:—

"I was a converted Fenian, but at the same time I was anxiously desirous to establish branches of the League all over the county, and as Canon Shinkwin had delivered his speech, I was very anxious, because there were many Fenians who were not so well affected towards the constitutional movement as I was, and they were disposed to give us trouble, and I had to placate them."

Your Lordship will find there was a good deal done to placate these Fenians, and to placate gentlemen who were out after the moon had risen. This is Mr. O'Connor's own language:—

"I had to placate them. My speech, I intended, should. And I have always been very sorry that Canon Shinkwin did not allow me to complete my speech. I do not think he would have had any reason to complain."

However, Canon Shinkwin says he will have no more of that. I suppose Canon Shinkwin, who occupied the chair, would not give his countenance to any such doctrines. Mr. O'Connor did his best to be heard. He was not allowed to continue, and so the placating of the physical force body was not completed to the extent, I presume, that Mr. O'Connor wished.

I have now dealt, I am glad to say, with the proceedings of the spring and summer

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of 1880. I would tell your Lordship at once that I am drawing a line, or endeavouring to draw a line, between the months of 1880, previous to the middle of September, and the months of October, November, and December. My reason for so doing is that in the early part of the year, we have it proved from the evidence that has been placed before you, that there had been comparatively little activity on the part of the League. The Parliamentary Session of 1880 was a long one, and Parliament separated at a late period; but in September, your Lordship will find, the Irish members returned to their own country. You will find Mr. Parnell stated at the very time to which I refer the Land League spread like wildfire. I am going to show to your Lordship who it was that held the fire in their hands and set things alight; and I am going to show to your Lordship the sad, sad state of things which existed after the Land League spread like wildfire, and compare it with what had previously existed in the same locality and what had existed even after the first formation of the Land League and the existence of its inactive life.

But, mentioning in advance what I purpose to do, I now have to deal with a question which to my mind, with great respect, goes to the root of all the matter into which your Lordship is inquiring, or at least a great portion of it. Your Lordship knows we are dealing with the existence of crime. There is, of course, the grave question, to whom is that crime to be traced? Before we can trace crime to anyone we must show its existence, and in order to see from what crime has sprung we must look at the circumstances attending the coming into existence of that crime. My learned friend, Sir Charles Russell, knows very well the view I am presenting to you is correct. He enters into the consideration of this question, I believe, with the same sense of its importance that I do. My learned friend bases the case that he placed before you on behalf of the respondents upon the suggestion that recurrent distress produced recurrent crime, and that, therefore, the distress existing in the year 1879 produced crime, and I presume my friend also intends to say that the same distress produced it in 1880; and he must, to make his argument a sound one, continue to refer to the distress of 1881 and the distress of 1882 to the existence of crime, strange as that argument must be. But at the time when distress did exist my friend, of course, has some foundation for the statement. You are more likely to find crime coming from a distressed and troubled people than you are to find it proceeding from those who are in prosperity. That is a proposition that I would not say there is not argument well to be found in support of. But then, in order to make anything of his argument, fortunately, we have to deal not with mere theory and not with mere hypothesis. We have to deal with facts which exist, with a time which is past. We know now within the limits of the accuracy of testimony what did occur. I am going (I am afraid, even at the risk of wearying those who may have come to this Court for the purposes of amusement) to endeavour to destroy the very foundation of my learned friend's argument, and I am going to show to you, step by step, that this distress, whatever it was, did not produce this crime. I will endeavour to show to your Lordship that where distress was the greatest the crime did not exist. Where the country was comparatively more prosperous the crime there was to be found. And, of course, when I come to later time, I shall have to express words of wonder and astonishment, when it is to be demonstrated Ireland had reached a state of comparative prosperity, and distress happily had passed away under the influence of beneficent seasons, how it was that even then when distress had ceased to be existent and there was none of it, my friend in his argument still could be suggesting that a non-existent distress had been the cause of the crime. But I have to deal, as I say, in the first instance, with the period of 1879 and the year 1880. I have passed already over the growth of the distress of 1879. I will not repeat myself. Your Lordship will recollect that I had passed over a time of anticipated famine or anticipated distress, distress imminent, distress growing; and then there was a time when, in the winter of 1879, undoubtedly it became acute. But, my Lord, we have yet to deal with the locality of the distress.

And, my Lords, I will now, as I say, give you the reason why I fear that I have to enter somewhat into detail. My Lords, it is not enough when dealing with my learned friend, Sir Charles Russell's argument, to treat this question at large, and to treat it without analysis. It is not sufficient for my learned friend to say, "Oh, there was distress in Ireland, and that there was crime in Ireland"; it does not show that that distressed class produced the crime. To my view also, my Lords, it is not suffi-

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cient for my friend to say there was distress in a county of Ireland, crime in a county of Ireland, therefore the distress produced the crime. The counties of Ireland are large, the counties of Ireland are composed of a population of different classes, and a population some of which suffered more and others less from distress.

My Lords, I ask for further analysis; I ask for further inquiry; I am seeking to localise the distress, and to localise it, to some it may appear, minutely, but at any rate accurately, and if your Lordships should find that in certain districts distress had reached comparatively the greatest point, that distress had to meet my learned friend's view become acute; and then if you find absence of crime, and if I show to your Lordships localities where comparatively there was no distress, and yet there was a great amount of crime, I ask, my Lords, a certain inference to be drawn from those facts if proved. And if in addition to them I should happen to prove to your Lordships that in the localities where there was great distress and no crime the Land League was absent, absent in its presence, absent in its influence; and if I prove that in the prosperous districts where there was great crime the Land League was present, active, inciting, raising the dormant, timid class of Mr. Harris's view, then, my Lords, I should ask also that another inference should be drawn, and I should ask that the charges made—made by the "Times" newspaper against the Land League as a whole, against the individuals who formed it, who controlled it, and carried on its organisation—shall be held to be proved, namely, that home to the Land League has been traced was the cause and the responsibility of the sad state of crime into which the country brought.

I am placing before your Lordships very broad, and I hope they will not be regarded by you as unimportant propositions. To prove them I admit I cannot rely upon mere vague assertions. I have to enter into the analysis, and without apologising to those whom I have said may wish to be indulged by other matters of a more interesting and more lively character, I will enter into this as briefly and as concisely as I can, with a view, as I say respectfully, that in my own mind it is a subject of the very greatest importance. I will first seek, as I have said, to localise the distress.

My Lords, I do not know how better I can do so than by referring to the map of Ireland, and endeavouring to trace where this distress existed by two classes of testimony. We have, of course, before us the evidence that has been given orally to your Lordships. We have the reports of the different inspectors who reported to the Local Government Board, especially during the concluding months of the years 1879 and 1880, and then, my Lords, we have that indirect testimony which is to be found in the description of the distressed districts as scheduled in the Relief from Disturbance Bill of 1880.

My Lords, you may be sure I am not seeking to put anything in evidence before you, or of placing before you any facts that have not been placed in evidence, but I have drawn upon the map of Ireland a black line, the line commenced at the scheduled districts, that is, where the distress is said to have existed, not in entire counties, but in districts and counties which, of course, I cannot mark out. The other countries are not scheduled, and therefore it is supposed that in them no distress existed.

Of course this is matter of proof by reference to the schedule in the Bill. I do not know whether your Lordships will think it convenient for me to ask permission to place this map in your hands for the moment.

(*The President.*) Yes. (*The map was handed to the learned President.*)

(*Sir H. James.*) The small divergent black line to the right is unimportant. It does not refer to the scheduled district, it is the line that runs from north to south which marks out the scheduled districts; and your Lordships will see that the result is that a line running from north to south affects 19 counties of Ireland. It affects 19 counties of Ireland in which some distress existed, Ulster and the English part of Leinster are excluded, and I think the reading of the Disturbance Bill must be taken to be that whilst there may not be distress in all those counties throughout the whole area, but only a portion of them, yet the distress was the distress of the west coast of Ireland, and when I call your attention to the evidence to which I have referred, you will find, my Lords, that it is confined in its acute character to a comparatively narrow area; in its more general character, of course, the area is more extended.

My Lords, that map of Ireland may be also usefully looked at to see where this distress existed, commencing on the extreme northern coast of Ireland in Donegal, and passing along the west coast, touching portions of Sligo, Mayo, Galway, then Clare and

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Kerry, and, passing eastward round Bantry Bay and Cape Clear, we come to the coast of Cork, and as you pass along this western coast it is fringed throughout almost its entire line with islands, some of them of comparatively larger area, others very small, most of them holding an excessive population, all of them subjected to the disastrous influence of their close proximity to the Atlantic, producing its damp atmosphere, a soil affected by its influences, some coming from afar off, from the Gulf Stream, and rendering the population a population dependent for the most part upon a soil that is productive of little. Depending sometimes not even upon the natural growth of that soil, for, some one said when the kelp trade went, and no seaweed could be dealt with, you could not expect cereal crops to grow on rocks, or potatoes to be found among stones, and, my Lords, we can understand that when this trade, the destruction of which has been spoken to, left the neighbourhood of this densely populated district—densely populated according to the productive power of the soil—when there came a winter of excessive rain so that fuel could not be gathered, that the inhabitants of this island, with their staple trade gone, with their natural food, potatoes, reduced to a small, insufficient, and diseased crop, one can understand that the distress could be seen from afar off, and that when it did come into existence it would fall with great and sad weight upon this population, many in numbers and devoid of all natural means of support, and so it is proved before you that this distress existing throughout this fringe of the coast, must also find its severity not limited, but its severity existent some distance from the coast; but as you proceed from the coast, as you proceed from the strip that some people have put as narrow as 15 miles or so, so you find that distress diminishing until at length you came to the centre of the island, where the black line I have drawn is to be found, and where the distress vanishes and does not exist at all. But, my Lords, the evidence establishes to you, and the report that I am about to refer to also establishes, that the nearer you come to the coast so you find the distress greater. As you lose the humidity of the ocean, as you lose the sterile quality of these western rocks and these western islands, so the distress commenced to pass away in degree. My Lords, I have no right to say these things unless I prove them, but I am now going to use the same means of proof as that upon which my learned friend Sir Charles Russell relies. You will recollect that my learned friend relied upon the reports to the Local Government Board. He commenced his analysis of his evidence at page 3661, and you will find that in the very first report he gave, a report given to the Local Government Board by Mr. Roughan in the year 1880, that even he treats the distress to be anticipated as being limited to certain districts. I am reading from the very words my learned friend Sir Charles Russell read: "In regard," said my learned friend in the first page on which he was speaking, "to the prospects of the poorer class, there was every reason to apprehend that there would be great distress in certain districts." Then my learned friend proceeded, and he himself describes what he is relying upon. We have, says my learned friend, selected certain reports, and the way my learned friend selected them was to take a report from each union relating to the counties of Clare, Donegal, Galway, Kerry, Mayo, and a part of West Cork which may be considered to comprise the poorest parts of Ireland, as well as a report of the islands on the west coast of Galway and Mayo. These counties, it is to be observed, represent the coast counties, the counties to which the fringe of the island is attached, they are all coast counties, and my learned friend so far localises the distress as being most acute, and he selects certain reports, as he says, from each union in the different counties, and he appeals to these reports to support his proposition that distress was there very severe, and I presume my learned friend intended to draw the inference that crime also ran with the distress.

Now, my Lords, I will accept the same test that my learned friend submitted to you. I will accept the same evidence that he placed before you. I will introduce in that respect no mere suggestion of fact of my own or of those witnesses we have called so far, but I will take these very reports and out of these reports I will endeavour to support the proposition I have made before you.

My Lords, my learned friend commenced by reading this report, which he put forward, I think, as the most serious report, and which is the most serious report, if you will compare these reports, at page 3667.

My Lords, I have taken the four counties which are the counties in respect to which my learned friend alone quotes reports. I have taken the four counties of Galway,

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Kerry, Mayo, and Cork, and in what I am saying now I keep within my learned friend's proof, and from those counties four reports from different unions are quoted by my learned friend, making therefore 16 reports in which the evidence of distress is very bad. I admit it. In respect to the other reports quoted by my learned friend either the distress is not bad actually, or not bad comparatively, or there are words of mitigation, but the four quoted reports, representing acute distress in these four counties, selected by Sir Charles Russell, amounting to 16, I am now about to comment upon.

The first county I would deal with is the county of Galway. You will find a reference to this county and to its union at page 3662 in Sir Charles Russell's speech. My learned friend from the county of Galway takes four unions, Ballinasloe, Clifden, Galway town and vicinity, and Oughterard. May I respectfully ask your Lordships if I could place in your possession one of those small maps of the counties, we can follow them so much more accurately?

(*The President.*) I have sent for one. I shall be very glad to have it (*some maps were handed up*).

(*Sir H. James.*) My Lords, the first union my learned friend deals with, as I have said, refers to the county of Galway, it is the Ballinasloe union at page 3662. Your Lordships will find that Ballinasloe does not come within this district which I have termed the fringe; it is comparatively an inland district. It is a district which is at the extreme of the county of Galway, situated close on to the borders of Roscommon. Now, my Lords, we have the report of this union. My learned friend Sir Charles Russell read it, commencing at line 11, page 3662. It is the report of Mr. Roughan, and you will find it gives you the Local Government Board reports that my learned friend put in for 1880. It is in the appendix to it. It begins:

"I have the honour to inform you that I attended the meeting of the board of guardians of Ballinasloe Union on the 28th instant, with a view of obtaining information as to the general condition of the poor in the district. A great diversity of opinion exists as to the extent to which distress prevails, some maintaining that it is very severe, and that if the people in various localities had not been relieved from charitable funds they should have either come into the workhouse or have perished from want. Distress exists to a large extent in the Ballinasloe and Creagh dispensary districts, but it is being mitigated to a considerable extent by public charity, and by works which are in operation on Lord Clancarty's property. Work is also given very extensively by Lord Ashtown in Killoan electoral division, by the Rev. Sir William Mahon in Abascragh, by Mr. Pollock in Lismany, and by several other proprietors in different parts of the union. There are very many resident landlords in this union, and with the aid given from her Grace's fund and other sources, I have no doubt that the people will be well maintained until works under the Baronial sessions come into operation."

My Lords, in that district for good or for evil my learned friend Sir Charles Russell admits that no crime existed. You will find that admission at this page 3662, and whilst my learned friend limits his admission to certain properties, I think those properties represent a considerable portion of the property about Ballinasloe, and there is no proof of crime there.

"Your Lordship has heard of no crime or outrage on that property. Then he mentions certain other persons who are in other districts giving labour. I mention their names merely to remind your Lordship again, the name of Lord Ashtown, the name of the Rev. Sir William Mahon, are not cases in which any outrages are alleged to have taken place upon and in relation to their property."

My Lords, I can find no trace that at this time when distress existed, we shall see later on when the distress passed away, and the Land League came into operation how crime did exist, but at this time, when there was such distress as is expressed in this report according to the evidence and according to Sir Charles Russell's admission, crime did not exist.

We come now, my Lords, to Clifden, which represents the extreme western coast, if you will kindly refer to the map, it is on the western coast touching on to Clifden Bay,

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and within that union you will find the Islands of Galway, or some of them. The report on the Clifden Union containing the islands was also relied upon by my learned friend, Sir Charles Russell. We have a report upon it at page 114. There we find the account of this unfortunate cessation of the kelp trade.

“ Among the many circumstances which have combined to impoverish this union, a very important item is the cessation of the ‘kelp’ trade along the sea coast. For many years past the preparation of this weed, largely used in the manufacture of iodine, has been the source of employment to a large class who used to procure it from the fissures in the rocks, and subject it to a process of burning, and I am informed that it would then realise from 5*l.* to 7*l.* a ton. Of late years, however, this kelp has been superseded by some Chilian mineral, and the trade appears to have been entirely discontinued.

“ The potato crop is below the average, and as in every other union there has been a great depreciation in the value of stock, but it is to the large graziers that this has been most disastrous, and not the very poor peasantry, who are mainly dependent on their supply of potatoes and their exertions at the English harvest. And it is among this latter class that destitution is most likely to be felt, but actual distress at present is not the case, and I may mention that Clifden has recently been visited by representatives of English newspapers, who, being wholly unacquainted with the normal condition of the people, were astonished at the state of their dwellings and general surroundings. Hence all sorts of rumours are rife on which too much reliance must not be placed, but to-day’s fair afforded me an ample opportunity of observing that the peasantry were warmly clad, and evinced no signs of hunger or want. The coming spring, however, it must be admitted, will see a large section of the people in very straitened circumstances, arising from the causes before referred to, and aggravated by their heavy liabilities with the tradespeople, and the attitude they have elected to adopt towards the landlords. On their liabilities I need not enlarge; the same state of things exists to which I have alluded in other unions, but with reference to the position they hold towards their landlords, I regret to say that the union is the theatre of almost daily acts of violence. No rent has been paid, though it is well known that a proportion of the tenantry would be willing to pay if they dared, and it is questionable whether this class will be able to retain the money in their possessions until they find that payment is enforced, the temptation to spend it being great. Several of the landlords appear to have been anxious to meet the emergency in a fair spirit, and much employment has been given, but notwithstanding this they are subjected to every kind of intimidation, and to overt acts of defiance, and thus the country is the scene of much dissension, the landlords finding their authority repudiated, appear determined to adopt, if necessary, rigorous measures, and some of the agents, I am informed, are instructed to issue ejectments forthwith, while, on the other hand, the peasantry show every inclination to resent the enforcement of the law to the utmost.

“ It is probable that most of the aged and infirm of the surrounding districts will seek the shelter of the workhouse next month, and towards the end of February. I anticipate there will be a considerable amount of privation with a proportionate demand for relief, but, as before stated, I do not think there is much distress at present, and I speak from personal observations, having driven through a great part of the union.”

My Lords, may I remind you that this is Mrs. Blake’s district—part of it. Mrs. Blake gave her evidence at page 641, and she fixes the commencement of the agitation as the end of 1879. She gave the testimony of the agitation commencing then for the first time, and difficulties arising with the tenants. She also tells you that the tenants came to her and said that they had got the rent but that they did not dare to pay.

Now, my Lords, Mrs. Blake’s evidence is confirmed by this evidence, which my friend, Sir Charles Russell, has put in before you. Here is the statement of the inspector, upon whose report he asks you to rely and to act, and, my Lords, this gentleman, independent I presume, in the making of his report, tells us the truth. Here, in this district he had seen the peasants, the small holders, warmly, decently clad, distress not existing; and at that time stating that outrage was existing, as Mrs.

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Blake has proved, and as he was aware, the tenants not in distress, able to pay their rents, were coerced by these men who were unsettling Ireland, and who were rousing the dormant peasantry. These tenants here at least could find support, and had the rent to pay but dare not pay it. And now, my Lords, here, where this agitation existed, and where distress did not exist, as this report states, here was this crime in its earliest stage, showing itself, and developing itself, and I only ask what becomes of my learned friend's argument of recurrent distress producing recurrent crime, when the report says apparently little distress but great crime. Where did it come from? My Lords, it came from this state of things, that Mr. Parnell in a few months exultingly described thus: "Our organisation is ripe, very ripe, in Galway," and this was the fruit of the ripeness that had been produced. It was the fruit through the agitation which produced this crime, this terrorism over the landlords, this non-payment of rents by the tenants who were not only able but willing to pay. Here, out of the evidence my friend has placed before your Lordships, comes the certain refutation that the distress of this district did not produce the crime, but that the crime was produced by this factitious agitation, and produced under the circumstances here described, and not from the motives and causes which Mr. Parnell and others have given testimony of.

My Lords, that disposes of my second union in Galway. The next union in the county of Galway is Galway town. It is the third report, and is still by the same gentleman, Mr. Roughan, dated September 2nd, 1879, and it is page 115 of the report. Your Lordships will observe that Galway town is situated on Galway Bay, I see the one in proximity to it is called Seaward Bay, so that represents, therefore, part of the sea shore. The report is by Mr. Roughan, and he says—

"During the last 10 days I made personal and other inquiry at different parts of the union, and have no doubt that the general conditions of the poor, especially the cottiers, the labourers, and artisans is in very much worse state than it has been since 1850. Yet the demand for relief under the Poor Law Acts has not materially increased, and the county never was more free from disease. There were 458 inmates on the 1st December 1878, while there are 480 at present, and this increase is not, as perhaps might have been expected, in the infirm classes, but is in the able-bodied males and females and in the children. There were 131 infirm in the house on the 1st December 1878, while there are at present only 133."

Then it proceeds—

"The labouring classes are now entirely without employment, and the small householders and room-keepers living in the town of Galway and the various small villages in the union are suffering intensely from the want of fuel; it is difficult to understand how they are able to bear up against it. The country people have many resources that are not within reach of those living in towns, and I observe no likelihood of any organisation being made by charitable purposes for forming a coal or fuel fund. The want is so extensive that private charities could not cope with it; the prices of provisions, fortunately, are not high, for good potatoes can be bought at 4s. per cwt., Indian meal 7s., oatmeal 12s. 6d., American bacon and American beef 5d. per pound."

My Lords, so far as discovered in the face of the report, there is no proof of crime. Of course, as I think it is but right to say, that observation ought to be explained. Your Lordships have before you what is termed a confidential report as to crime. That would give us the agrarian crime certainly of any severe character. I can find no trace of crime proved in this Galway district, which, I presume, is an average district. I do not think it is to be found in the evidence, neither in the reports. Here, again, we find an absence of crime, and up to the present time an absence of the Land League.

There is only one more union in the county of Galway—Oughterard.;

(*Mr. Justice A. L. Smith.*) That is in Sir Charles Russell's speech.

(*Sir H. James.*) Yes, my Lord.

(*The President.*) I follow you with regard to Galway town, the one you have just passed over. It amounts to this—no distress, no Land League, no crime.

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(*Sir H. James.*) I read the distress as being not quite no distress, if your Lordship will allow me to refer to it again:—

“The labouring classes are now entirely without employment, and the small householders and room-keepers living in the town of Galway and the various small villages in the union, are suffering intensely from the want of fuel; it is difficult to understand how they are able to bear up against it.”

That is in relation to householders and room-keepers of Galway. That, no doubt, is different in other districts. In answer to Mr. Justice Smith, the Oughterard report is mentioned by Sir Charles Russell at page 3663. My friend, Sir Charles Russell, called it then from Ballinrobe; it is because the gentleman who wrote it was writing from Ballinrobe. He was writing, I suppose, from the centre of a district, and it is dated from Ballinrobe.

(*The President.*) Is there a Ballinrobe in Galway?

(*Mr. Davitt.*) In Mayo.

(*Sir H. James.*) I suppose they went from one place to another and wrote from where they were.

(*The President.*) I only wanted to be sure that there was not another.

(*Sir H. James.*) You see where Oughterard is. It is, again, not very far inland from Galway Bay.

(*The President.*) I see it is; it is a little to the west of Lough Corrib.

(*Sir H. James.*) When you come to Galway you get to the Islands of Aran, Irishman Island, and other islands. It is reported the 27th January 1880:—

“The extreme poverty of the people in the several townlands of the parish of Rosmuck, which was the scene of my recent inquiries, was a lamentable illustration of how people can live with no visible means of subsistence, and this in the townland of Camres was mainly noticeable. This district was the principal centre of the kelp trade, and unlike most other parts of the country, the quality of the land was not such as to admit of farming being successfully pursued when the kelp was superseded. The soil is almost altogether gravel and rocks, and the cessation of the kelp trade to the Camres people are practically the cessation of their only means.”

Then there would be some words probably left out:—

“A great part of the Rosmuck parish I am, therefore, convinced must henceforward for some few months in the year be in actual want. It has an unfortunately large population, the advantage of a good harvest is inappreciable, for potatoes will not grow in rocks, no matter how prosperous the season may be; they have few boats, and so small is the proportion of the people that can speak English, that I am satisfied the opportunities for labour offered at the English harvest, they have seldom availed themselves of. Very many of the people have not food to last them for another fortnight. Three half years’ rent are due by them, and their liabilities have been accumulating since the kelp industry failed. In cases like this, which are not without parallel elsewhere, it is difficult to devise any means that will prove effectual in permanently ameliorating the circumstances of the people. Works may be inaugurated now, and if they are not expeditiously proceeded with, the delay, I fear, will prove serious. Potato seed may be advanced, their debts may be discharged, their arrears of rent paid off—all this may be done this year, but these measures, be they individually or collectively carried on, can never enable the Camres people, now that the kelp has failed, to live through any year without such extraneous assistance as they can seldom hope to procure. In most other parts of the union there is enough food among the smaller tenants to last them for some time, probably till the organisation of the relief works, but there are few who will not be obliged to consume their seed potatoes.”

My Lords, I am afraid that was a very bad report, and shows what was the condition of the people in consequence of the kelp trade going. Nothing, of course, can be worse.

I now ask what was the state of crime in this district, which is represented, I think, as bad as any you will find, among those of which my friend can speak. There was

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one land-grabber there, but he was the treasurer of the Land League, and that did not produce any great animosity on the part of the surrounding people. But bad as the distress was we do not find crime existing in this district. You have the evidence on this point of Mr. John Monaghan; the evidence to which I wish to refer is given at page 4433. He is a resident at Oughterard. He is asked:—

“Had you any land-grabbers in that district?—(A.) Well, no, except one; the treasurer of the Land League took a vacant farm, and I was the first member that left when he would not be expelled from the League. I left myself six or eight months. (Q.) He was the only land-grabber in the place, was he?—(A.) He was the only land-grabber in our parish. (Q.) You are pretty strong, then, in your neighbourhood, in keeping down the land-grabbers?—(A.) Well, there was no land to be grabbed at this time because it was grabbed years before that.”

I think he is speaking of a later time; but now of all this time he is asked as to crime:—

“Although the people were poor, and though the ejectments were numerous, there was no crime to speak of in that neighbourhood until 1879 to 1880?—(A.) No, nor then.”

And your Lordship will recollect this is a witness called by my learned friend, he is called on behalf of the respondent. Then said my friend Sir Charles Russell in re-examination in dealing with this matter:—

“You have said there was no crime except some outrages you mentioned, apparently not very unimportant you thought upon the property of Mr. Meredith and of Mrs. Blake?—(A.) That is all I heard of.”

“Is that Mrs. Blake, of Renoyle?—(A.) Of Renoyle.”

Renoyle, we know where that is. I have dealt with it in another Union and another district. My friend's witness, Mr. Monaghan, was at another district—Oughterard, and Renoyle as you have seen is on the coast of the Clifden district, and far away from this place. But here in this district, where you now find from the report the distress was bad, and the distress of it produced crime, and was of a character that would indeed have produced much worse crime. You have now upon the testimony of one of the witnesses called for the respondent that there was no crime in that district, and that he had heard of crime in Renoyle some distance away and also one property.

(The President.) I want to follow you. You also got from that witness that there was no land-grabbing.

(Sir H. James.) That you will find was spoken of in reference to another period.

(The President.) I only want to call your attention to it. It would be said on the other side that there was nothing to provoke it.

(Sir H. James.) Forgive me, my Lord, we are not quite at one. I am not going to deal with land-grabbing. Eviction is quite a different course from this. I am dealing with that which my friend has put forward, namely, that eviction, and no eviction distress produces crime. I will deal with this latter point.

(The President.) I confess I understood him to mean eviction in connexion with distress.

(Sir H. James.) If your Lordship will allow me to read, when I come to it, my friend deals with distress where there is no eviction, and he deals with eviction whether there is distress or not. The rich man who is evicted is irritated; perhaps his irritation is more on account of the greater physical force than a poor man's. But eviction, according to my friend's argument, is quite a separate point—the point of distress producing recurrent crime, and where there was none, of course distress may be in the character of having no house eviction, that is another point. But the distress was, on all the grounds which my friend was leading up to, when he said distress produced recurrent crime. I think that concludes what I have to read in reference to the county of Galway. These are all that he referred to, so that we come next to the county of Kerry.

My Lord, in Kerry there are four Unions. The first is Carseveen, the second Dingle, the third Kenmare, and the fourth Listowel. In Cahirciveen we have

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the report at page 120. It will be worth while to note that in this county of Kerry, with which we are dealing, the Land League made but little way at first. There were a few portions. It was one of the later counties of which I have a good deal to say. Mr. Parnell had been at Beaufort on the 5th May, but as far as I know what would be termed the first Land League meeting was on October 18th at Castleisland. There had been no doubt some Land Leagueism permeating through the country, but a Land League meeting as such, and the establishment of the Land League, I think, must be traced as springing from the date of October 10th, 1880. I am now at Cahirciveen, at page 120, which is reported upon by Mr. Power, under date of the 18th January 1880. It is alluded to by Sir Charles Russell at page 3664. Mr. Power says :—

“ I attended the meeting of the board of guardians last Tuesday, the 15th instant. From what I could gather from collectors, relieving officers, guardians, &c., and also from personal observation, I should think there is a considerable amount of distress in this union. The workhouse, however, does not show any large increase in numbers. On the 10th January this year the numbers are only 25 in increase of the corresponding date last year in in-door relief, and about 16 in out-door relief.

“ No applicants appeared at the meeting of the board, which was held in the court-house, but a large number of applicants for relief on meat tickets provided by the Duchess of Marlborough's Fund, besieged the court-house. Their appearance I may state, as a rule, was extremely miserable, and the eagerness to obtain relief was very marked. Some of the women I ascertained had walked 13 miles to obtain relief for their families, though I should say the principal part belonged to the town. There were, I should say, about 400 people relieved, if not more, as heads of families. I was told that considerable distress existed at Port Magee and Valentia Island, and other sea coast districts about Cahirciveen at present. These districts have only received small portions of the funds received at present at Cahirciveen, about 80*l.* in all. Glenbeigh Dispensary district is also in a distressed condition, being one of the poorest parts of the Union, though nowhere as I can gather is actual starvation to be apprehended.”

Then, my Lords, he says “ the supply of fuel in the Union appears to be sufficient to meet the wants of the people.” That I should call rather a mixed report. There was bad distress to some extent. But still, my Lord, that is one of the distressed districts scheduled and put forward by my learned friend as one in which crime should come, and no crime has come. You will find the evidence bearing upon this point given by Captain Plunkett at page 2000. He was stationed in Kerry, and he of course knew this district well. He is asked :—

“ What part may I call the districts in which there was a great deal of poverty and inability to pay rent?—It was the coast part of the county, those three first-named districts, Dingle, Kenmare, and Carseveen.”

I think you will find those are the three of the coast districts of Kerry forming almost promontories. If you will take the map of Kerry, my Lord, these counties are in alphabetical order in the book. If your Lordships will refer to it, you will find it forms almost a promontory. Dingal is the north bay; then running south of Dingal you get Carseveen, and then the Kenmare river comes, which of course fixes the entrance to the Kenmare property, and the Union of Kenmare runs down coasting the river. So we get the coast really represented by these three districts :—

“ I understand you to say that according to your experience the development of outrage, whatever may have been the cause, took place in the part of Kerry where the people were in a better condition?—(A.) Yes, and where there was much better land. (Q.) Where there was better land?—(A.) Yes. (Q.) Had it any effect upon the way that you were able to cope with crime or disturbance—your police force?—(A.) Well, I was enabled in the latter end of 1881 and 1882 to practically strip the three first-named districts of police.”

Then, my Lords, if you will read a little further back Captain Plunkett at Question

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37,457 says, when he is asked to name the districts in the county of Kerry which he said were practically free from crime, he names—

“Dingle, Kenmare, and Carseveen, which were the poorer parts. All the crime and outrage was concentrated in four other districts.”

And those, my Lord, are given—Listowel, Tralee, Killarney, and Castleisland.

Now, my Lord, taking these three districts I had better read the report as the report referred to the three—Dingle, Kenmare, and Cahirciveen. I have read Cahirciveen. Now, my Lord, I will read Dingle; that is to be found at page 121, and it is a report by the Honourable Algernon Bourke. Page 3364 is Sir Charles Russell's reliance upon this report. Mr. Bourke says:—

“I gathered that there was a great want of employment in the district and in round numbers I should say there are about 600 head of families who are available for work at moderate wages. This number is approximately supposed to be double what it is in ordinary years. In the matter of fuel I fear in proportions—only portions—of the Union the want is such as to amount to a famine. In and about the parish of Dunquin the people are burning the heather and bushes, and there is great probability that some families may, in consequence of inability to procure firing, be forced into the workhouse. I am of opinion that if the guardians had the power to give out-door relief in fuel that a great deal might with little expense be done to enable the people to get through their difficulties. The guardians at Dingle do not, as a rule, give out-door relief, and I cannot say whether they would avail themselves of a privilege such as is contemplated in the letter of the Vice-President of December 31st; but one thing I am sure of is that if they did not use their power they would not abuse it. In portions of the eastern part of the union the want of fuel and the very great difficulty of procuring it is as great as in the district of Dunquin. I pass now to the question of potatoes. The time is fast approaching when the poor will have consumed all that the late wretched harvest vouchsafed them in this particular. Tales of the people re-digging their tillage in order to find potatoes left behind in the first instance come from reliable and authentic sources, and, if the relieving officers speak the truth, there will be when the seed time comes on such a want of seed potatoes as it is difficult to know how to meet as it is alarming in its earnest of future privation and distress.”

Then he reports on the great want of employment, and says:—

“There is poverty in the supply of fuel, and a great and growing distress amongst the people in my district. I feel that, grave as the consideration of these matters may be, they dwarf before the contemplation of the poor becoming unable to make that all-important provision for the future, namely, in sowing that crop which is the staple of their existence. In the union of Dingle the tale comes that the people are eating their seed potatoes, and unless private charity comes to assist them in the spring I feel that a possibility exists that the want of 1880 may become the Famine of 1881. It is right to say that the resident gentry are for the most part fully alive to the gravity of the situation, and are taking some steps to import some of the Scotch champions into the country.”

That, my Lord, again is a bad report. Kenmare, which I think my friend called Killarney (on account, I suppose, of its being dated Killarney), he has read the same union. It is Kenmare union at page 122. That also is a report. I am afraid it is rather a bad one. It is not so bad though as some of them. It is summed up in this way:—

“In the town of Kenmare, however, there are 50 or 60 labourers, some with families, who are depending upon the opening of the works for supplying the town of Kenmare with water, and who, I believe, otherwise must come upon the union. From what I hear I do not apprehend that at present serious distress exists in this union, and the opinion seems to be that with a little assistance the people will be able to get through the present bad times.”

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so that is not a bad report, and I think my friend so read it. Therefore we have Cahirciveen bad; Dingle bad; Kenmare not so bad; in all these instances no crime. The proof of that last assertion as to no crime, you will find in effect at page 2000. I shall refer to it again. Will your Lordships also refer to the evidence of Sergeant Shea, page 1200? Anniscaul is a place at Dingle Bay, and Sergeant Shea says he was stationed at Anniscaul for the last 10 years.

“(Q.) Were there many outrages or not when you first went to that district?—

“(A.) There were none. (Q.) How long did that state of things continue?—

“(A.) Until the year 1880. (Q.) What part of 1880 did they first begin to increase?—(A.) In December 1880.”

Now I am about to show your Lordship that the distress was passing away at this time. There was no crime until December 1880. Then, my Lords, we have also the evidence of Inspector Crane at page 1221.

“(Q.) Before I go to Killarney I may interpose a question here, Mr. Crane, so as to avoid getting out of order of time. Did you find, speaking of Dingle, any secret society there?—(A.) No, I never found it in Dingle. The Dingle district was a wonderfully quiet district; they were a very quiet people. I think there was only one case of outrage to the west of Dingle, that is at Dunquin. (Q.) Did you find that the outrages did occur in the poorest part or not?—(A.) No, I always found them to occur in the more prosperous part. The poorest people in Kerry, where you go to the extreme west among the Celtic population, were a ways wonderfully quiet, at least they were in my time. (Q.) Therefore, you do not find that those outrages do coincide with the extreme poorness of the population?—(A.) My experience has always been to the contrary.”

My Lords, that gentleman did not go to Killarney till the 30th of October 1882, and I understand he was at this district at Dingle from February 1880 to December 1881, so he is over this critical period. There is one answer of Inspector Crane's that he gave to Mr. Davitt, at page 1240. Mr. Davitt put to him—

“I think you associated the quietness of the people with the Celtic character of the people?—(A.) No, I do not say that—all that southern district of Kerry, taking a line, say, from Tralee almost to Mill Street and cut off the southern district—the Cahirciveen district—to the district round where the League has never got hold of the people; they have always been quiet, and there has been very little crime.”

My Lords, as to Listowel, the only other district we have to deal with in Kerry, we have the report at page 123. In Sir Charles Russell's speech, it is referred to at page 3664.

“It will be gathered that the numbers applying for relief at this time at Listowel are not excessive. But as in all unions where no out-door relief is given, the real condition of the poor is not fully revealed until their very last potato is exhausted, and their very last sod of turf consumed; and, as in the great majority of poor families in this union, have not yet, and will not till the end of the end of the month, reach this point. I fear that the prospect in the future is not so bright as might be wished, and it may become my duty to report that the union of Listowel is in an exceptionally destitute condition.

He says:—

“The supply of turf in the markets is plentiful. It is of a bad quality, but proportionally cheap. I would, however, point out that it is quite possible that some of the poor (I know one case) are parting with a portion of their turf to buy potatoes, or selling their potatoes to purchase fuel.”

This my learned friend read also at page 3665:—

“You are aware that the potato crop in this district was very small and very bad last year, so bad that many of the small farmers and quarter-of-acre labourers will not have potatoes in any way fit to put into the ground next spring, and I have thought it right to warn the Local Government Board that,

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“ if another wet season is before us, the condition of the people in these parts will
 “ next year pass from the realms of want into the throes of famine and
 “ starvation.”

(*Mr. Justice A. L. Smith.*) They are all April 1880, are they not?

(*Sir H. James.*) Yes, I presume it must have been in the early part of 1880.

I do not know how your Lordships will read that report. It seems to be of a mixed character, but at any rate in this district, according to Captain Plunkett, there was great crime. He has told your Lordships in the evidence recorded at page 2000, that there was crime in Listowel, Tralee, Killarney, and Castleisland. May I mention that there is another report as to Listowel Union in the same document at page 73. It seems to be an earlier report, and it could not, I suppose, be founded on such materials of things given as Mr. Bourke's. “In this union, from accounts generally, about half the potato crop will be lost.” That is a report of 15th October 1879. It seems to anticipate a bad time. I do not know whether we can trace the cause of this distress. There is the evidence as to the condition of Listowel given in the evidence of Inspector Crane. He was re-called, I think, at page 1218. He says there was no serious crime when he went to Dingle. Then he also says:—

“ (Q.) During the time you were at Listowel were there many outrages?—
 “ (A.) Yes, a great many. (Q.) What character of outrages?—(A.) Raids for
 “ arms, and raids for money, and intimidation by threatening letters; and there
 “ was a man named Costello shot.”

He went to Listowel late in December 1881. Therefore it must be taken subject to that date—

“ (Q.) What condition was Listowel in when you went to it?—(A.) It was
 “ very disturbed indeed. The chief duty during the whole of the first month was
 “ going out to try and prevent these Land League hunts—what they called Land
 “ League hunts.”

Now I am sorry I cannot give you the time when the Landleaguism or Land League came into this district at all. I ought not to take anything in my own favour when I am also using it from another point of view. As I have said, apart from Mr. Parnell's visit the Land League does not seem to have taken much hold on Kerry until late in 1880. This witness is speaking of course of 1881. How far, therefore, the Land League had influence in the Listowel district at this time I am not in a position, I say frankly, to tell your Lordship. I must leave Listowel so far as my argument is concerned almost a blank. I have no evidence as to the time when Listowel was affected by the action of the Land League.

My Lord, I am happy to say that concludes the second county, and I will pass as rapidly as I can over Mayo.

(*The President.*) Do you say nothing as to the Castleisland district?

(*Sir H. James.*) Yes, I do; but I do not do it within the 16 to which my friend referred. I shall refer to that afterwards.

(*The President.*) He did refer to it.

(*Sir H. James.*) Not as one of the very bad ones. The 16 are the very bad ones. When I come to the others, which are not bad, you will find Castleisland is a portion of the Tralee district. It occurs at page 123. If you will allow me to take my four districts in order, I come now to the county of Mayo, where I have to deal with four unions, Bellmullett, Killala, Westport, and Swinford. Bellmullett is given at page 127. As to the first point urged by the memorialists, whom the inspector had received, he says this:—

“ The first point urged by the memorialists, namely, the disease among pigs.
 “ I do not consider calls for any further observations from me, as I can but
 “ reiterate the remarks I made regarding it in my previous report. Suffice it to
 “ say, this disease does exist, and there is also an epidemic among fowl; and
 “ these two circumstances, which I have not observed in any other district, it must
 “ be conceded yield to Bellmullett an unfortunate prominence in the category of
 “ distressed unions, and I feel bound to concur with the memorialists in thinking
 “ that though the distress is neither apparent or absolute in the present, the
 “ future leaves much to be feared. The turf is generally inferior in quality, but

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“ I do not think the supply bears so discouraging a comparison with previous years as to give cause for much apprehension.”

There is a reference to that by Sir Charles Russell at page 3666. Then, my Lord, it throws some light upon the transaction in this district, that the guardians of this district are suspended for not performing their duty. You will find that in the report for 1881 at page 47. They did not perform their duty in relieving the distress. On the 18th May 1880 they are suspended. In this district, while there seems to have been distress anticipated, which must have been a right anticipation in consequence of the fact that the distress had not been relieved, seems there to have been a little crime up to October of 1880. The evidence upon that point is given by Mr. Bingham at page 1533. He speaks of a meeting in October 1880, and he says then he observed a change in the demeanour of the people; and all I can say is, that the witness saying there had been quiet up to that time, so in the reports as to crime, we can find no crime in this district up till October 1880.

The report at page 128 deals with the Killala Union. That again you will find is a coast or fringe district. It says:—

“ I need not recapitulate the various circumstances that have tended to impoverish the people, as I have fully enlarged on them in regard to other unions, but there can be no doubt there will be a great deal of poverty between February and the end of July, as the credit upon which the poorer classes were wont to rely during these months is in a great measure withdrawn, and the harbour does not afford the shelter that will be required for the class of boat that could pursue a fishing avocation with security; added to which there appears to be little or no demand for labour. A succession of exceptionally good years would go far towards reinstating the small tenant farmers in the position they once held, and it is more than probable that the warning the tradesmen have experienced will have the effect of checking the wholesale system of credit that has proved so pernicious to the country; but the prospects of a rich harvest are not very encouraging, as there will be great difficulty in procuring the means of laying down the crop.”

Again, that being the report, I can find no trace of crime in this district. No crime is shown.

Then, as to Westport, the report is at page 131. It speaks of distress being probable and not existing to a great degree at present. It is not, I think, a very bad report. All I can say upon that is equally that it is negative. We have no proof of crime. I can say as to this crime (and I would ask your Lordship to refer to the confidential returns) that as to the whole of this county of Mayo (this observation I think bears some weight upon what we are now discussing) up to December 1880 the crime was confined to an inland circle. There was none on the coast except one at Westport and one at Newport.

(*Mr. Justice A. L. Smith.*) Where do you get that from?

(*Sir H. James.*) From the confidential returns where the localities are given. There is one at Newport.

(*Mr. Justice A. L. Smith.*) What page?

(*Sir H. James.*) I am on the appendix, page 1, the county of Mayo. There is one at Newport and I have one also at Westport. It is on the 6th November 1880. It is late in the year. If your Lordship will take all the Mayo outrages they are away from the west coast with the exception of these two, one being on the 30th of September 1879, firing at the person.

(*The President.*) Is that at Newport?

(*Sir H. James.*) Yes.

(*Mr. Justice A. L. Smith.*) Is that on the coast.

(*Sir H. James.*) Yes, it is a seaport town. It is agreed it is on the west coast, and Westport may also be taken to be on the coast.

(*Mr. Justice A. L. Smith.*) There is another one at Newport on the 1st of August.

(*Sir H. James.*) Yes, 1st August 1880. That is an outrage upon cattle or sheep. Then later in November we have got the one I have spoken of. Taking these you will find you have there got no doubt what Mr. Davitt has spoken of in eloquent language, the most acute distress of the west coast of Mayo. It is not there you find the

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crime. But you find it within a circle within which the Land League meetings were held in 1879. I shall be corrected if I am wrong. Of course we know of the one Westport meeting. But apart from the Westport meeting, numerous meetings, I think, were held within the circle and not upon the coast. That was in the proceedings of 1879.

Then we come to the last. Swineford, at page 130, is a bad report. "I regret to say," says Mr. Armstrong, "there has been a large increase of distress." At page 3666 of Sir Charles Russell's speech this is what he read, Swineford is bad. The guardians were dismissed in June 1880 for insufficiency of conduct. It is in the report of 1881, at page 48, that that appears. Up to November 6th, within the period I have to speak of, I have one crime at Swineford, that was maiming cattle. That is all.

Now I pass to the last county, Cork. The four unions in Cork given by my friend were Castletown, Skibbereen, Skull, and the Islands. It is at page 132 of the report. Sir Charles Russell mentioned it at page 3666. At page 132 of the report we have this, it is a bad report:

"From the information I could gather I should say there is a good deal of distress amongst the small farmers, who are unable to obtain out-door relief. There is no employment in this district for the labouring classes, there being few landlords, one of whom, I believe, owns two thirds of the union, but none give employment. There does not appear to be any pressure at present upon the workhouse, the numbers in the house being nearly the same as last year. I may state that only one applicant appeared at the board for relief. I do not hear many complaints as to want of fuel, a deal of the turf appears to have been saved during the fine weather in the autumn. As employment seems to be out of the question at present, I fear there may be distress amongst the small farmers during the next two or three months, but at present I do not gather it is of a serious character."

As to this district, there is no cause shown that we have any trace of before May 1882. Will your Lordship take it that these three unions Castletown, Skibbereen, and Skull are all along the coast, and there is no crime that I can find in Castletown before May 1882.

Then Skibbereen, which is also in Cork, is to be found at page 133. Sir Charles Russell mentioned it at page 3667. About Drimoleague there seems to be a good deal of distress. I should say again, reading the whole of this report, which my friend did not read, and which, of course, neither do I read, that it amounts to a qualified report. Skibbereen again is along the coast and there is no proof of crime till 1881. The first is in the appendix, page 3, county of Cork, 1881, this is maiming of cattle.

Then Skull, the third along the coast, is also at page 133. It is a qualified report:—

"Altogether there is no doubt there is a good deal of distress in this district, but, as yet, it has not compelled the people to come into the house, and I think, they will remain out as long as possible, especially when they can get a little help from charitable sources."

Again, my Lord, there is no crime before April 1881. That is shown on the appendix at page 3, cutting the person. The first date is the 11th April 1881.

The next is the islands, which represent not the islands of a particular union; they are scattered. They are the islands all along the coast, and I presume they would be visited not according to unions. Whatever means of transit would be employed would be applied to the islands along the coast. They are comprehended as a whole. Sir Charles Russell refers to this report at page 3667:—

"Then, my Lords, there is an extraordinary report of the condition of things in the Oughterard Union, Clifden, Westport and Newport, and of the group of islands in Kilkerran Bay. The writer, who is the same Mr. Robinson, speaks of the existence of these people as a problem. 'For no one could venture to assert that the scattered patches of sponge bog around which some half-dozen cabins with their swarming families are gathered could ever be the means of affording them a livelihood.' But, he says, 'Although their physical appearance gives sufficient indication that they are not in immediate want, there

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“ ‘ is no doubt that when the present resources are exhausted their embarrassed
 “ ‘ position will preclude them from all further advances.’ ”

Of course, throughout these islands I cannot trace the crime. It refers to several of the counties, and all I can say is that I apply the general evidence to these islands to show there is no evidence of crime in the islands. I do not know whether that view meets with the approval of those who have local knowledge; but I have always understood the islanders were comparatively free from crime. Mr. Davitt, from his local knowledge, says the different islands are in different unions. Therefore I cannot trace them in all these counties by the name of the unions, because the name of the union is not given; but so far, I believe the islanders ought to be acquitted of having taken any very prominent part in crime.

Now I come to another comparison. I wish to call your attention to two unions which are mentioned by my friend but are not bad unions. One is Killarney and the other is the one you were good enough to refer me to, Tralee, containing Castleisland. First, with your permission, as to Killarney. That report was not read by my learned friend. It is, however, a report, that is found at page 123, and to which I wish to refer. It is a report of Mr. Power of the 2nd of January.

“ I beg to send you a supplementary report on Killarney Union. I attended
 “ the Board meeting on Wednesday, 31st December 1879, and beg to report as
 “ follows:—In this union I do not think that the condition of the poor calls for
 “ any great anxiety at present. There is as everywhere a want of employment.
 “ But the landlords, especially Lord Kenmare, have given a good deal. From
 “ what I can gather food and fuel are cheap, and there is no great distress in the
 “ union. Some parts of the union are, however, worse off than others, for instance,
 “ about Faranfore, where the population is more dense. The Board of Guardians
 “ expressed themselves that there was a good deal of distress from want of em-
 “ ployment, but that a good deal of relief in the way of labour had been given,
 “ and was about to be given, and that it would be met, and that the resources of
 “ the workhouse would be quite sufficient for any increase likely to arise.”

That is, I should think, to be treated as a good report. It speaks of employment. It speaks of the confidence of the guardians, and there seems to be at that time comparatively no distress. I would only note that my friend did not rely upon it, and did not of course read it. I do read it. I wish to bring to your view that it is a district without distress.

Now, what was the crime? You find this first in the evidence of Inspector Crane. He produces his outrage book, and speaking of this district in 1879, says: There were 19 outrages in that year. There were 50 in the year 1880. That is at page 1222. May we compare this with these districts of the islands and these districts where there was this sad distress, such as we read in Dingle, where we have difficulty in tracing crime at all. Then we come to Killarney, this prosperous district comparatively, and in that district with all the aid that was coming from Lord Kenmare and others you have 50 outrages in this one year 1880.

(*Mr. Justice A. L. Smith.*) In your total list there are only 13 in Kerry in 1879.

(*Sir H. James.*) Yes, because they are agrarian, and the others, those representing the graver outrages.

(*Mr. Justice A. L. Smith.*) There were 6 ordinary outrages and 13 agrarian.

(*Sir H. James.*) Yes, they represent the ordinary outrages. According to this evidence which may represent different outrages according to the view of those who report in the confidential report, will your Lordship allow me to point out that in 1879 there were 15, in 1880 there were 50, in 1881 there were 70, and in 1882 there were 66. I can find no trace of distress at any time in Killarney.

(*Mr. M. Davitt.*) Perhaps Sir Henry James will kindly allow me to remind him that Mr. Leonard, Lord Kenmare's agent, in the witness box, declared there was such distress in that particular locality, that people were blue in the face with hunger.

(*Sir H. James.*) It was distress according to his view, but you have to compare it with other districts. I have no doubt there was some distress. I take the report which Sir Charles Russell read.

(*Mr. M. Davitt.*) Mr. Leonard was your witness.

(*Sir H. James.*) That does not refer to the distress of 1879 and 1880 so reported upon. Your Lordship will also recollect that the O'Donoghue held a meeting here on

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January 12th, 1880. There had been a little stirring up. A little unsettlement had taken place as early as January 10th, 1880, and so whether Mr. Davitt be right or not that there was some distress, here we have in this, if not actually, comparatively good district, this amount of crime which of course must be of a very grave character. It agrees with the evidence given by Captain Plunkett that it was in this district that there was great crime and it was according to his view a prosperous district as compared with the poorer districts.

Now, my Lord, I would mention that in addition to those 16 bad reports, there were 11 other reports referred to by my learned friend Sir Charles Russell. They were not read or only very slightly referred to just by way of summary, but they are not bad reports. There is one, however, that is an important report which was referred to. That is the one you have called my attention to at page 123, namely, the Tralee report.

Adjourned for a short time.

My Lords, before our adjournment Mr. Davitt was good enough to remind your Lordships that Mr. Leonard had said that there were people blue with hunger in the Killarney district. Going back to that for one moment, I refer to Mr. Leonard's evidence, and what he says is the state of some tenants. He says in 1880 it was absolutely necessary to give the tenants every assistance, because there were several of them blue with hunger owing to the fearful autumn they had had in 1879. That is at page 1000. Then at page 1021 Mr. Leonard explains the condition of those tenants. He says there are 200 of them out of, I think, 2,000 who wanted relief, and I pray your Lordships to recollect that he also states that no rent was taken by Lord Kenmare from those tenants. It remains upon the books until this moment. That 300*l.* a week was spent by Lord Kenmare in cutting out roads, and opening woods in order to support those people, and that represents the relief afforded to the tenants of which he was speaking.

“(Q.) You said 2,000*l.* was expended in seed potatoes in 1880 on the estate?—

“(A.) Yes, 2,381*l.* (Q.) Were they given by grant?—(A.) Lord Kenmare paid

“them out of his rents. (Q.) Did he get them back?—(A.) Not one farthing.”

Then, my Lords, the question is put to him—all these questions were put by Mr. Davitt himself:—

“Did he ask for it?—(A.) No.”

I was speaking of the Killarney district, and Mr. Davitt must have had in his mind those 200 tenants to whom Lord Kenmare had given that relief, which certainly seems to have been of a very considerable character.

Passing on to the Tralee and Castleisland districts I have to deal with it in the main, and I must ask for a few moments' postponement. Up to a certain date, which appear to have been December 1880, Castleisland formed part of the Tralee district. There was, during the year 1880 considerable crime, as well as considerable distress in that district of Tralee, but the important point I am going to urge upon your Lordships affecting this question is that crime existed after the distress passed away, and you will find it is concentrated almost in its entirety within the last three months of 1880, namely, October, November, and December. If you will allow me to refer to this matter again when I come to deal with the point of the three months' crimes against the nine months you will see how much this district of Kerry is affected by it.

My Lords, I am happy to say that I have now gone through my task, which I fear has been doubly wearying to your Lordships even than it has been to me in dealing with the districts in which distress prevailed, and I have been urging upon you a negative view, namely, that crime did not come within the theory of my learned friend, and did not find its source in the distress. I am now going to present to your Lordships the affirmative view, and I am going to endeavour to show to you that crime proceeded from another cause; that was from the extreme activity of these Land League agitators. My Lords, one moment again taking a retrospect, a very short one it will be, may I remind you of the position of things in Ireland towards the

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close of the summer of 1880, the qualified agitation of the organisers I have referred to. They were men, for the most part, not of a very prominent character, but the autumn of 1880 saw those, who were the recognised leaders, return to their work of agitation.

My view that I present to your Lordships is, that there never was a time more distinguished for an opportunity of pacific policy, never was there a time when these agitators should have refrained from doing anything to increase the hostile attitude of the tenants towards the landlords. My Lords, the distress had been acute, advantage had been taken of the opportunity, but the distress was passing away, there were signs, too, that from a political point of view these agitators might have hoped much for the future government of Ireland. Mr. John O'Connor, I may remind your Lordships, at page 5851, gave his evidence; he explains to the people of Cork, "You do not suppose that this raid for arms, this raid to which I have referred, can proceed from the emissaries of the Government; the Government have shown signs that they are desirous to rule without any coercive policy." That is Mr. O'Connor's statement. I am not entering into political views of my own at the present moment. Mr. O'Connor says, and told the people of Cork, that "the Government, now that the Peace Preservation Act had expired, was anxious not to coerce you, but to rule you with a beneficent policy." They had to deal, as I say, with the peasantry with a good harvest to their hands. Mr. Dillon himself, I quote him as a witness, spoke of the good harvest; he tells the people that if they do not hold a firm grasp of their land, the good harvest will pass to the landlord. We have also, if I may again refer to it, Dr. Grimshaw's report, saying that the harvest of 1880 was a good one. What cause, I ask then, was there for this increased agitation? If this institution, the Land League, was, as my learned friend, Sir Charles Russell has painted it, a mere institution for the relief of tenant's distress, to feed the hungry, and to clothe the naked. My Lords, all this demand upon them had in its entirety almost completely passed away. If this institution was, as Archbishop Walsh regarded it, a defence institution, there was nothing to defend, at least, nothing in addition to what had existed in all past time, and so, my Lords, I am suggesting to you in answer to the question that fell from the Bench, What was the necessity of this organisation? What the necessity was a political necessity, and it was not a necessity in any way connected with the social position of the Irish tenants.

My Lords, I can now understand how it is that Mr. Davitt in the witness box said, I know not whether in the bitterness of his heart, it certainly could not have been in the lightness of his heart, but, speaking of his own position in the Land League, he said, "Ah, yes, after a little time the politicians got hold of it, and took it out of my hands." My Lords, that is Mr. Davitt's statement at page 5671. He did not fix the time, but it must have been some time about the period of which I am speaking. My Lords, I am submitting to you with perfectly accurate evidence, as I will show you, that in a little time Mr. Davitt is put more on one side, but at this time politicians had got hold of it, and Mr. Davitt found that he was not in accordance either with their views or their action, and so, my Lords, with the politicians getting hold of the Land League that would no doubt settle the dormant peasantry whose passions had to be raised, whose self-interest had to be appealed to, these Irish members return from their work and commence this agitation under circumstances which I am submitting to your Lordships ought to have disarmed, and ought to have caused them to have adopted other views, and adopted another policy. But not so. My Lords, Mr. Parnell's view is expressed: "I find," said Mr. Parnell, "that the movement has progressed, it is ripe in certain counties," which I will in one moment designate to your Lordships. It has now to be proceeded with in other counties. The movement, Mr. Parnell says, spread like wildfire from the date of which I am speaking, and, my Lords, we shall see how it was that the action of the Land League spread like wildfire.

My Lords, in dealing with this period of 1880 I have to deal, I am sorry to say, with certain specific crime, and it will, by dealing with this crime, lead me up to the very point to which I may now call your attention, namely, the spreading of the Land League like wildfire in the autumn of 1880. I refer to these particular outrages because the dealing with them, the treatment of them are predisposing causes, I submit to you of that crime which is represented by the expression "spreading like wildfire in the last months of 1880." During the year 1880 we

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have in those returns eight murders referred to, eight agrarian murders. We, of course, who have had the conduct of this case, have found it impossible to deal with every act of crime, and we have not desired, and not attempted, to prove the whole of the crime which existed. We have had to take particular acts and particular deeds. As regards 1880, four murders have been proved before your Lordships, the circumstances attending them have been given in evidence, stating them to you I am sure you will recognise them, the murder of Mr. Feerick in South Mayo, the murder of Mr. Boyd in Wexford, the murder of Lord Mountmorres in North Galway, and the murder of the man Downey at Bantry.

I have to refer to these murders for the purpose not so much at present of tracing the hand of the criminal, or showing by whom they were committed, as for the purpose of showing how the Land League as a whole and the leaders of the Land League dealt with these crimes.

The first murder that was committed was that of Mr. Feerick on the 29th of June. The assault upon him was on the 29th of June 1880, and that gentleman lingered on and did not die till the 15th of August. My Lords, Mr. Feerick had been an agent for a Mr. Brown. These facts are proved at page 1528; and it so happened that as the agent of that gentleman he was personally present when a woman named Mary Gerroty was evicted in October or November 1879. That was at a place four or five miles from Ballinrobe. On June 29th, Mr. Feerick was shot after attending the sessions at Ballinrobe at two o'clock in the day. The circumstances were proved to your Lordships. No one would render assistance to him or aid in the detection of the crime, and he died on August 15th.

My Lords, before this murder, was committed this person whom we have heard, Mr. P. J. Gordon, spoke at a place called Shrulc. One of the speeches I gave to your Lordships this morning. This I deem to be an inciting speech, my Lords. He used these words:—

“ It is better for you to lose your blood as Allen, Larkin, and O'Brien did, and we are determined to do the same I repeat the names Allen, Larkin, and O'Brien. They have walk to the scaffold, and the last prayer they uttered from their lips was God save Ireland. I say, in following in the wake of Allen, Larkin, and O'Brien, that you will combine yourselves as one man, aye, as one woman. The last words I will ask you to say are, Away with land robbers, and God save the people. In referring to the land sharks and land grabbers; unfortunately we have them in our midst. I ask you in the name of Ireland to treat them with contempt, pass them by, don't speak to them in the fair. (A voice: Give them what Lord Leitrim got.) Mr. J. W. Nally: You are too cowardly to do that. Mr. Gordon continued—Pass them by with scorn, and I will tell you, my people, that, like Castlereagh when he sold his country to the Government, he may go and buy a razor and cut his throat. If they are treated with contempt, they will come on their bended knees and ask forgiveness of their country. But I say don't forgive them. They have sold their nationality, and away with them.”

That is delivered at Shrulc, some miles from Ballinrobe. I believe I am correct in saying that it is 10 or 12 miles from Ballinrobe.

(*The President.*) What is the date?

(*Sir H. James.*) The 20th of June, my Lord.

(*Mr. Justice A. L. Smith.*) We have had it before; is it in a speech?

(*Sir H. James.*) Yes, it is in the speeches at page 109.

(*Mr. Justice A. L. Smith.*) The 20th of June.

(*Sir H. James.*) The 20th of June, and Mr. Feerich was shot on the 29th. That is the speech before the murder.

My Lords, whilst Mr. Feerick was lingering from the 29th of June to the 15th of August, Mr. P. J. Gordon spoke again on the 11th of July 1880. That is a speech at Cong, the exact distance I do not at present recollect, but it is in the same county certainly.

“ I will sketch over the attempt at Ballinrobe.”

That is the scene of the murder—

“ They have run over to Claremorris, and took one man from amongst us.

“ But they wanted to have some bird in the nest. They knew he had nothing to

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“ do with the murder. They look with an eye of suspicion upon everyone who
 “ says we will be no longer beggars. If you waken up that spirit of undying
 “ nationality in your bosoms, speak it to your children in the morning and when
 “ they are going to bed, that it is their right to assert their right to the land of
 “ their birth. The police went as far as Queenstown and arrested those men on
 “ their way to America. I stole away five of them, and before a week elapses the
 “ other two will be away too. If there were a crime committed against the man,
 “ let them find out the guilty party, and the guilty party in his own heart. He
 “ has evicted a poor widow and her orphans, and left them to starve.”

That I read as having reference to Mr. Feerick, and, as I will show your Lordships, it seems there were nephews and nieces who had to leave at the same time :—

“ He has evicted a poor widow and her orphans, and left them to starve.
 “ Then I say the guilty conscience requires no answer. I will ask you to raise
 “ your hands to High Heaven, and say no man will take the land from which
 “ another has been evicted, and if you break it you cannot say but you made the
 “ pledge in the presence of two soggarths aroon. If any man occupy that land
 “ let it be the police with a barrack. I don't object to the police, they are better
 “ than the landlords. I ask you to be in the future united. The House of
 “ Commons is composed of landlord robbers.”

Not one word there your Lordships will see of regret for what had occurred to Mr. Feerick, but exultation, and also a statement as to how he would help to hide away the offenders. It is a very small matter, but at page 1529 the witness, Mr. James Hughes, is cross-examined by Mr. Arthur O'Connor, and Mr. Arthur O'Connor asked him about the matter :—

“ (Q.) How did Mary Gerroty's land lie in respect of the land previously held
 “ or already held by Feerick?—(A.) I believed that it adjoined Feerick's farm, or
 “ almost joined it. . . . (Q.) Had she some orphans, nephews and nieces,
 “ dependent upon her?”

That is Mr. Arthur O'Connor's suggestion, and the answer is, “ I do not know.” So it cannot be denied that that speech of this man Gordon was made in reference to Mr. Feerick and this eviction.

My Lords, there is a speech of a man, and I should not from what we have heard of him, and for every reason, be disposed to treat what he said as forming words of weight, I mean this person who has been called Scrab Nally, but the point is this, counsel now and respondents unite in putting Mr. Nally on one side. The question is, did they put him on one side, or rather did they who are now represented here put him on one side when he made the speeches he did? They stood with him on the platform, they heard him make these speeches for good or for evil, and now it is impossible to say that they would not have their effect on those who listened to him.

My Lords, here is a meeting on the 4th July 1880, within five or six days of the assault on Mr. Ferrick, and in the presence of Mr. Walsh of Balla, who spoke at the meeting which was held at a place called Bohola. We find Mr. Nally speaking after Mr. Walsh had spoken. Mr. Nally comes to the front of the platform and says :—

“ There has been more good work done since this day week than all the
 “ speaking—the pills.”

Then he proceeds to make clear what he means :—

“ There has been more good done since this day week, there has been a
 “ landlord shot in Ballinrobe. You can all have rifles now, and any of you who
 “ are not able to bring a rifle or gun have the pitchfork in your hand. But you
 “ must pay ten shillings for a license if you want to shoot the vermin, you all
 “ know the vermin I mean, what is nibbling at your hearts.”

All these words are received with cheers, and all these words are spoken at this meeting which is given us as a Land League meeting, with some of the organisers, Mr. Walsh, of Balla, the companion of Mr. Davitt in his tour in 1879, present. What was said to Mr. Nally when he uttered these words? They are so sad one can scarcely regard them as ridiculous, but they look so extreme to us that we may pass them by.

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Was it not extreme language to the crowd which listened to it? What was said to Nally then? Was there any objection to his language when he said that good had been done by shooting a landlord at Ballinarobe? Did Mr. Walsh of Balla, or any one say: This language shall not go forth to the public in my presence? Silence, it is sometimes said, means acquiescence, and my learned friend, Mr. Robert Reid, must be taken to have acquiesced in that statement, as he did not cross-examine upon it. Nally was a power, perhaps none the less powerful because he was extreme, and, perhaps the extreme gesture, or action, or employment of words which seem to us strained, would be the most acceptable way of communicating ideas to those who heard them.

My Lords, one more shout of triumph was being spread throughout Ireland, about this murder. The "Irish World," which had been scattered, as I shall show your Lordships, by the hand of the Land Leaguers and the money of the Land League, has to take note of this murder, and with a paragraph which is headed "Agrarian outrage in Mayo," it proceeds to say:—

"It is the latest to hand, one other move in the war of centuries; that is what we see of it. There is an obscurity in this account also. But the fact and the omens remain. Meehan shot on one side to-day, Feerick shot on the other side to-morrow. Somebody said long ago that 'it made no difference among 'neighbours who dies first.' Those killings on both sides have been too long continued for us to hope that they will be discontinued now. But every pistol shot will stimulate the action of the thieves to guard the stolen goods away in the darkness; of the true men to let the light in on the darkness, and the true owners in on the stolen goods. There are stirring times before us. Awaken your neighbours. It will be soon daylight."

My Lords, you will find contemporaneously there were telegrams passing, coming and going with the object of spreading the "Irish World" throughout Ireland, and that is the way this organisation of the Land League on the one hand, and this journalistic agency on the other, were dealing with this murder which had taken place in this cold-blooded way.

My Lords, I pass to a still more, as I think, sad murder, and one that deserves greater prominence, that is the murder of Mr. Boyd, of Wexford. You will find an account of this murder at page 2793. I should have supposed that if ever there was a murder that all men would agree in deploring this was one. Mr. Boyd was a young man if I recollect rightly, he had been to Cambridge, at any rate he was a young man, who had taken no part in the management of any estate. He returned, as his father told us, to his home, and while riding with his father he was shot down and murdered. The murder took place on August 6th, and now, my Lords, I am dealing with a different person than either Mr. Gordon or Mr. Nally; we have to deal with Mr. Parnell himself. My Lords, Mr. Parnell took credit in the witness box for having denounced outrage; he put in two speeches referring to constitutional action in 1879; he put in also two speeches, I think, or three speeches in 1880, and, my Lords, strangely enough he puts in a speech, at least, he did not, but my learned friend Sir Charles Russell, who, I do not think, could have had the contents of that speech in his mind, in the course of Mr. Parnell's examination interrupted him, and reminded him that he had forgotten the speech that he had made at New Ross. That speech you will find at page 433 of the speeches, and I am going to ask your Lordships' attention to that speech. My Lords, that is spoken in the neighbourhood, New Ross, the murder taking place in Wexford, and this, my Lords, is the language which Mr. Parnell employs:—

"I had wished, in referring to a sad occurrence which took place lately, the shooting, or attempted shooting, of a land agent in this neighbourhood, I had wished to point out that recourse to such measures of procedure is entirely unnecessary and absolutely prejudicial where there is a suitable organisation amongst the tenants themselves."

Will your Lordships allow me to repeat those words "recourse to such measures of procedure"—

That is, the murder,—

"is entirely unnecessary and absolutely prejudicial where there is a suitable organisation amongst the tenants themselves; and I have thought from time to

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“ time, looking at the want of organisation in this and other counties, that the
 “ reason for this occurrence was the want of organisation amongst the farmers.
 “ I believe that if Killkenny County had been organised young Boyd would never
 “ have been shot, because his father in the face of strong public and organised
 “ opinion would not have ventured to abuse his rights as a landlord.”

I hesitate before making myself the judge of Mr. Parnell. It is for you, and not for me, to read this language so as to give judgment upon it, but, my Lords, I am afraid that whoever reads these particular words would say that “recourse to murder is entirely unnecessary and prejudicial where there is a suitable organisation” does mean this, that where there is not a suitable organisation it is neither unnecessary nor prejudicial.

My Lords, that is the reference Mr. Parnell at an early opportunity, speaking in this neighbourhood, made in dealing with this murder. It was an agrarian murder, and Mr. Parnell traces its cause to the very causes against which he says the Land League was committed, the father not having dealt properly with the tenants of the estate. How then, my Lords, does Mr. Parnell deal with it; has he nothing to say that this is a crime against law, human and divine? Not one word. He takes advantage of the fact to point out that it would have been unnecessary if there had been an organisation, leaving every man who heard him to believe that he meant, if there was no organisation it would not have rendered it both unnecessary and not prejudicial.

My Lords, I say what I do of this speech in full recognition of Mr. Parnell's position, in full recognition that the character of the country and of our people is represented by the character of our public men. And I would that I had nothing to do with dealing with such a speech as this, made by the leader of a party, responsible too for the peace, as he was the head of what he says was the *de facto* Government of Ireland. But here this speech is given—given to the people as we know at this period when they are commencing to commit crime. Then can it be wondered at that the crime spread like wildfire. I shall show in a moment, the date of this being December 26th, that from this time forward the crime was spreading, and spreading both in quantity and intensity in its vindictiveness. I am introducing no new figure, no new matter. Somebody has said, I know, that there was a resemblance between the action of Mr. Parnell and of that high priest who went forth amongst the dead and dying, and stood between the dead and the living and stayed the plague. That might have been the action of Mr. Parnell at this time if he had chosen to have gone forth to his own friends and to the people he had a right to call his very people. And as crime was then first entering in its growth he could have lifted his voice and stayed the plague; he could have stood literally between the dead and the living. But instead of doing what he could this plague to stay he did all he could, apparently at least, if we are to judge him by these words, to let these people know that he was having no sympathy with the victim. That he was not desirous, as far as we can judge from these words, that the plague should be stayed. But he took this course which caused the plague to spread itself, the dead to be numbered with the many, and the living to be driven away. And such, I am afraid, is not only the evidence of conduct and the part of Mr. Parnell, but of similar acts, I regret to say I have now to proceed to detail, committed by others who were associated with him.

My Lords, in connexion with this very case we come to other matter. But I cannot help saying before we depart from this question, that I am glad I am relieved from delivering my own judgment upon Mr. Parnell's view. But I cannot do other than point out the danger of this language to people who were in that position and to the people to whom it was addressed. How does Mr. Parnell regard this speech now? What has he to say of it? Sir Charles Russell suggested to him—he had not put it forward himself—that it was a speech that amounted to denunciation of crime. Well, I know no other words in that speech denouncing crime. How can this have been a denunciation of crime? Mr. Parnell himself now admits that it was an insufficient denunciation of crime. You will find it at page 4022, when this is put to him, he says:—

“I regard it as likely to influence persons against the commission of outrage, but I admit that it was an insufficient denunciation.”

My Lords, I wish one could concur with Mr. Parnell and say that the insufficiency of it, was all that one had to deal with. Insufficient in one direction, I fear it was

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far more than insufficient in another. Then, my Lord, with this murder we have to see how it was received. Of course, we can understand that the people would watch their leaders' view. They had heard his view; they would read the "Irish World," and see whether this crime was denounced, and so after a time there were some persons arrested on suspicion of this murder. It is at page 4802, it is proved, and we find in the paper edited by Mr. Thomas Sullivan this treatment of the defence of these persons. It is in the "Nation," whether it is copied from any other paper I will not be sure. The "Wicklow News" mentioned it, but it seems to be original matter. Yes, my Lords, it is original matter.

"The response to their appeal was generous and encouraging. 600*l.* were placed at their disposal. It will need nearly 200*l.* more, Father Furlong says, to discharge all the liabilities of the committee."

This was a committee formed to defend those persons not knowing whether they were guilty or innocent.

"On Tuesday the Land League granted 50*l.* towards this sum, and we are sure the people of Ireland will not be slow in subscribing the remainder."

I have to deal with this when we deal with the defence of prisoners defeating the ends of justice. But this is the paragraph in respect to the defence of these men. Then, in the same newspaper, of course I need not point out to your Lordships that this unfortunate father of this murdered man was boycotted. That is an incident that we shall see was usual under these circumstances, and so that fact is stated in the "Nation" newspaper under the heading of "Incidents of the War." Mr. Sullivan, I think, corrects it. It was put to the witness as "incidents of the war" and incidents of the land war. May I ask you if this murder was committed—as the suggestion was made—by secret societies, what had Mr. Sullivan to do in collecting subscriptions to defend the members of the secret societies committing crime. But this is "an incident of the war."

"Two hundred men from the north of Ireland arrived yesterday at Waterford and proceeded by steamer to New Ross escorted by a large body of police to cart the hay of Mr. Boyd, who has been boycotted since the acquittal three weeks ago of the two men named Phelan for the murder of his son and the attempt to murder himself."

And so, my Lords, the speech Mr. Parnell made after the murder; the view expressed by the "Irish World," some men arrested, the subscription of a large sum of money to defend these men, and then comes the boycotting of this father who had lost his son because these men had been acquitted.

There is a murder that is important from the circumstances connected with it—at least the circumstances connected with it are important. It forms the third of these four murders in 1886—that is, the murder of Lord Mountmorres. You will recollect that on September the 25th Lord Mountmorres was murdered eight or ten miles from Ballinrobe, four from a place called Cong, on the borders of Mayo and north Galway, Lough Mark district. Now we come to a very complicated matter which turns upon the evidence of some persons who have been classed by my friends as informers in this matter; and I do not this moment purpose to enter into the detail of their evidence or to analyse it. At page 819 (if will allow me to give the reference shortly) as to meetings taking place by a man named Royden, and at page 1455 you have the evidence of Michael Burke who has been called by my learned friend one of the informers and with whom I shall deal presently. On pages 822 and 823 you have the evidence of the way in which the people dealt with this murder. The exultation of the crowd at a Land League meeting held at Clonbur. Lord Mountmorres had been shot the day before. I do not make anyone responsible for a crowd shouting out, but here at this Land League meeting the cry was "Down with Lord Mountmorres," that was this dead man. And then someone says:—

"He is gone now: we shall have no more to do with him. None of you would care to be where he is at present."

Then, my Lord, the person who was there was Mr. Scrab Nally. There were others, too, on the platform. Then this witness, who walks along the road where the body of

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Lord Mountmorres was still to be seen, sees the people dancing round the blood, the stains of the blood. One cannot wonder at it when such language was used, of which only a small portion has been read to you.

Now, I come to a person of whom I shall have to say has been praised and who has received money from the Land League, praised by the leaders, I mean Mr. Redpath. There is a speech of his at page 5384: it is made on the 2nd of November 1880. This speech is made in Mr. Sexton's presence. He is speaking of Lord Mountmorres. It was published in the "Freeman":—

"The friends of the Irish peasantry have been altogether too gentle in their talk about this infamous rascal."

That is the murdered man.

"He was a Government spy, and once bragged that he was in the pay of the Castle. He made very disrespectful remarks about Fenians. If they were going to do that they should keep out of the West of Ireland, or they would be hurt."

Then Mr. Sexton says he was present when that speech was delivered; and he is asked whether he thinks it is connected with constitutional agitation, and the only reply Mr. Sexton has to make is that it does not appear to him to be animated by a constitutional spirit. I have quoted Mr. Sexton, because the evidence given by him, as it were, identifies the speech. But the speech was delivered in the presence of Mr. Sexton, Mr. Sheridan, Mr. Boyton, Mr. Brennan, Mr. Kettle, Mr. Patrick Egan, and Mr. Thomas O'Connor. My Lord, I know that one is not answerable for everything that a colleague or anybody else may say in your presence; but there is a point where acquiescence becomes almost criminal. If a speech is delivered of a mere abstract opinion, you may say, "Well, let it lie where it falls, I shall not correct it." But if you hear a speech made that is likely to produce absolute crime, which amounts to an incitement to crime—you stand or sit by, and perhaps follow the speech, and make no dissent from it, there is a responsibility upon those who, by the acquiescence of silence appear at least not to dissent from that which is so stated, and may produce such evil effects. I said that Mr. Redpath received money. I may as well mention it. In the evidence of Dr. Kenny, 5348, referring to one of these four books produced, its title is DI. His attention is called to the fact that money is paid to this man, James Redpath, whose other speech I have also to refer to for his expenses under date 14th August, 1900. I presume it was in this way, Mr. Redpath earned that money. Mr. Redpath is spoken of by Mr. Parnell at pages 4104 and 4108. I do not wish to delay you with reading this. The result is that Mr. Parnell is, as it is termed here, interviewed by Mr. Redpath, and enters into full and friendly conversation with him, and seems to be a person to whom he has given his confidence.

Then I have one other speech to read to you about this murder. It is the speech of Mr. Richard Lalor at page 2191, delivered on the 10th of October 1880 at Athy. This is what he says:—

"We do not believe it is at all necessary to shoot a landlord, and we do not encourage it; on the contrary, we deprecate it; but, as I said before, we are not bound to go watching every poor fellow in the country that is driven to desperation. We are not going to watch and preach sermons to them. Let the men that drive the men to desperation, let them take care of themselves. (Cheers.) I must protest against the Archbishop saddling us with the responsibility of every assassination that takes place in this country. He has no right to do it no more than anyone else has a right to do it. They speak of this country because one poor fellow of the name of Mountmorres was shot the other day. (Groans.) Well, I would not like to be the man that shot Lord Mountmorres at all. I think it was a bad act, but I would like to know what fuss is made when a poor man is shot in the country."

And so it was, when one reads such language as this by the light of the evidence given by Mr. Matthew Harris to which I shall have to refer, that whenever you denounced crime the people thought you were speaking to the police. I say the point is whenever you offer one word of encouragement the people thought you were intentionally speaking to their hearts, and did so.

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There is one more speech made on this subject by Mr. Parnell himself on the 24th of October in the county of Galway, which is mentioned at page 4023. I have to refer to this speech for another purpose, but, so far as it affects Lord Mountmorres, this is what Mr. Parnell said :—

“ Who is responsible ? Who are responsible for the murder of landlords which have, from time to time, at all times in our history taken place in this country ? It is admitted by everybody that English-made law is responsible, and I say that the people who are primarily responsible for the murder of Lord Mountmorres, if it was an agrarian crime (and of that I have very great doubt), are the House of Lords, who by rejecting the Compensation for Disturbances Bill took the arbitrament of this question from the courts of law, and placed it in the hands of the people ; and the man who is secondarily responsible is this pretended humanitarian Chief Secretary of ours, Buckshot Forster, who, when the House of Lords kicked out his Bill, and smote him on one cheek, turned to them the other cheek also.”

Then it is at this same meeting on October the 24th that Mr. Matthew Harris made the speech to which, I think, I have before referred separately, the speech in which he spoke of shooting landowners like partridges. Of course there is a great deal to be said in reference to that speech and the explanation of it. It would be too much digression for me to deal with it now. But it was at the same meeting at which Mr. Parnell spoke that Mr. Harris made that unfortunate speech about shooting landlords like partridges. Then I need not say we have the usual note of joy that proceeds from the “ Irish World ” over the murder. It is at page 3369, 9th of October :—

“ In the social war that has long smouldered in Ireland one side the robber side, always maintained the aggressive. The offer of battle was always present, always urged. Either be my slave and till the land for me or fight me, was for ever the standing condition. It was accepted in a desultory way now and then. The man who slew hundreds by distress and hunger was himself slain, and the world echoed to the agrarian crime. The ocean of murders in 1847 and the ceaseless stream of the same kind flowing down from age to age present one side of the war. The killing of a Lord Leitrim and a Lord Mountmorres are samples of the other side. The death of Lord Mountmorres is related in another part of our paper. So also are a great number of outpost skirmishes—all historic of the social war. For more reasons than one we regret this cant execution. ‘ God willeth not the death of a sinner, but rather that he be converted and live.’ Through that sentence breathes the morality that should be ever present with us. Besides this wretched man did not, and not one of these wretched men does know what a curse he is on the earth.”

Then there is something which seems to be of so blasphemous a character, I will not read it. Now, I say that I will not at the moment deal with the evidence that was given as to those who committed this murder. There is a proof endeavoured to be put forward as to the speech of Father Eglinton, denouncing the murder given by my friend, Sir Charles Russell, at page 3678. My friend, I think, makes a mistake in the place where it was spoken. It was close to the scene of the murder ; that place Atkeynorkmoy was 20 miles off, and was not in close proximity to Clonbar. But there is a statement by Father Eglinton. At the same meeting Mr. Gordon spoke, and according to Mr. O'Malley's evidence at page 458. I do not know whether he refers exactly to this speech ; all I can say is, whether proved in detail or not, Mr. Gordon's speech was a speech which was proved.

Now, one other murder remains ; that is the murder of this man Downey, 16th October 1880. You will recollect he was riding with a man named Mr. Hutchins. Mr. Hutchins was no doubt the person shot at. Downey was unfortunately hit and killed. On October the 31st we find Mr. Biggar speaking. This is the way he explains himself :—

“ Now, our worthy chairman's speech said that it was undesirable that any thing in the way of violence towards the landlords should be perpetrated. Now on that subject I will say this. That the Land League as a body wants to do

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“ what is most beneficial, and they do not want any violence should be offered to the landlords. Now, one of the reasons is this; that persons who have undertaken to shoot landlords have missed the landlord, and shot someone whom they did not intend.”

Of course, this refers to the shooting of Downey, by accident, instead of Mr. Hutchins, who was intended to be shot, and this is the way: Instead of saying how terrible it was Mr. Hutchins should be shot at, Mr. Biggar seems to say, that as a body the Land League objects to shooting, because the man who shoots may miss the one that is really meant:—

“ Now that is one object which is palpable on the face of it. But there are other objections which has been raised against this agitation as a body is, that deeds of violence have been committed on the part of the people who come to Land League meetings, and the result of that has been that it has calculated to injure the cause of the tenant farmers of Ireland in public opinion with those likely to have the decision of the Irish land tenure. And you should discourage deeds of violence then. Then there is another objection which will undoubtedly be palpable to you all. It becoming a general thing of acting violently to any class of people, the result would be that deeds of violence would become general, and then bring discredit on the Irish people. There are reasons that are sure to be felt. Because I have not the slightest doubt that certain members of the * * * * * here would be delighted with me saying, ‘ Shoot the landlords.’ (No, no.) I say, in the interest of the tenant farmers of Ireland, I hope that it is undesirable that such deeds should be practised (cheers). It say it is the duty of public men to put the saddle on the right horse, and the great criminals are the landlords of Ireland.”

Again, knowing how these words were accepted, who can doubt that that speech was a speech that would not convey to anyone that Mr. Biggar judged the crime of murder, under the circumstances, of shooting a landlord as one that was worthy of his at least complete and absolute denunciation.

Then there is one other speech upon this murder, and that is of Mr. Timothy Healy, at page 67 of the speeches. He is speaking at Bantry on the 17th of October 1880. He says:—

“ It is certainly the first chance you have got of previously establishing a Land League amongst you, and all I can say is this, that from my knowledge of the locality and from my knowledge of the landlords of the locality, and of the hardships which are committed in the locality, that no place in Ireland wants a Land League more (cheers), and a very sad evidence of this want of a Land League in this locality has been given in the regrettable occurrence of last night.”

This is the note:—

[“ The speaker here referred to the assassination of John Downey, Mr. Hutchins’ driver, near Drimoleague.”] “ Well has it been said that if the man who pointed that gun had been enrolled amongst our body, had been shown the means by which he could have redressed his grievances without committing this deplorable crime, well has it been said that that man would not have lain there through the long weary hours of the day watching and enduring all the miseries which we suppose any man must have endured who had to perpetrate that actual crime ”

So it is, my Lords, exactly in the same spirit in which Mr. Parnell had spoken of the murder of young Mr. Boyd at Wrexford, and its being denounced. As Mr. Healy points out, it was because there was no Land League that the crime had been committed, and there again there is no denunciation of the crime itself. I have been dealing with what has been given in the speeches. It seems to me rather to encourage crime than aught else. I want now to read one speech of Mr. Parnell’s, which I think is an important speech, and which was made by Mr. Parnell in Galway. I referred to it in reference to the murder of Lord Mountmorres, and I wish now to refer to it for another reason. Mr. Parnell had no doubt been playing an active part

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in Parliament. He had pressed his views on different matters of course. He says it was not only his right but his duty to do so, and it seems his view had not been accepted in some points. Now what course does Mr. Parnell take? He makes a speech on the 24th of October at Galway, to which I have already referred, page 4023. I referred to it just now in relation to Lord Mountmorres' murder. This is what he said :—

“ Now, your chairman has deprecated assassination and violence as being
 “ unnecessary to win your cause, and very properly and justly deprecated it, and
 “ at all the meetings which had been held up to the time when extra police were
 “ planted down in the county of Mayo I also took care to join in that condemna-
 “ tion; but I utterly refuse further to allow any credence to be attached to the
 “ charge which has been made against us and our people by the English press
 “ by in future deprecating outrage and crime which do not and have not
 “ existed.”

Well, what is the meaning of this? If as between him and the Government this sending of police, extra police, into certain counties constituted a case of complaint, how could such a complaint against the Government justify Mr. Parnell in not performing the primary duty of exercising his influence, the influence he had obtained in Ireland, with the object of stopping crime as between him and the Government. What justification is there because extra police had been sent into distressed counties? But still further as between him and the people of Ireland, people who, deprived of the protection, as he and his friends boast, of the Government of the Queen, had no protection but the *de facto* government of the League, what excuse can it be to them, the safety of whose life and property depended upon his word and action, that, because the Government had sent, according to his view, more police than were necessary in certain counties, he would no longer deprecate outrage? I do take the view that the denunciation of outrage by Mr. Parnell up to this time had been well expressed. If it has been—if, according to my friend Sir Charles Russell and Mr. Parnell, up to this time it had been expressed, ten times more forcible becomes the cessation of that expression, for good cause or for bad; and when Mr. Parnell ceased to deprecate outrage he was doing no less by his silence than saying that outrage to him, under the circumstances then existing, no longer seemed objectionable, and that the outrage had at least the acquiescence of himself.

Having led up now to the extent to which the people, as I fear, had been prepared by the new agitation, by the politicians, who, according to Mr. Davitt, had got hold of this Land League, we now come to show what did take place and what occurred in the months of October, November, and December. I cannot very well divide the month of September. I can only trace the arrival of these members very actively in September but their operations would not commence until probably that month had partly passed away. I will give almost the benefit of the figures I am about to quote to the view that is opposed to mine, and I am going to see when it was in 1880 this crime we have to deal with was committed. May I again remind your Lordship that the time I now approach was a time when, according to Dr. Grimshaw, there had been a good harvest. You will find it in the tables attached to Dr. Grimshaw's report, that 1880 was a favourable harvest, as I have said, and so Mr. Dillon thought, and so Sir Charles Russell thought.

(*Mr. Justice A. L. Smith.*) You have not that reference, have you? “ Bountiful ” was the word Mr. Dillon used.

(*Sir H. James.*) I gave your Lordship Mr. Dillon.

(*Mr. Justice A. L. Smith.*) Pass it up on a piece of paper when you find it.

(*Sir H. James.*) I will mention it before we adjourn. Your Lordship will allow me to speak to it hereafter. He says the landlords will have the benefit of the good harvest. The speech to which you refer is Mr. Dillon's at Castlebar, on August 15th, 1880, at page 125 of the speeches.

I am now going to ask your attention to some figures, generally a dreary subject of contemplation, but in this case, if you will bear with me, I think of so expressive a character that they will not fail to interest anyone. We have had documents put in, fortunately, that show the Commission of agrarian outrage, first during the years 1878, 1879 and 1880, to which three years only I now confine what I have to say. My argument will be still stronger as I proceed, but I am now asking you to allow me to confine the observations I am making to these three years alone. I say fortunately those statistical

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returns show us the commission of agrarian crime in all the counties of Ireland during specific months. So we shall now see when it was this crime was committed, whether during the time of distress resulting from the bad harvests, or whether during the time of comparative prosperity when the good harvest had come into existence. You may be sure I am not going to place anything before you but what is proved in evidence. I have extracted these figures. Of course I must be answerable for their correctness. The documents for them to be compared with are in court, and I have placed them in columns side by side. I do not know whether your Lordship will find them and check them as I read them.

(*The President.*) I quite understand that you are answerable for them, but in addition to that we should prefer to check them.

(*Sir H. James.*) If your Lordship pleases. The first table which I hand up represents the scheduled counties in the Disturbance Bill of 1880, which, according to my friend Sir Charles Russell, includes the districts where distress existed, and in that longer slip you will find in the scheduled counties agrarian crime existed in 1878, 1879, and 1880. I need not read them all. There they are, and I make the argument that I wish to base upon them refer to certain particular counties. Does your Lordship recollect that Mr. Parnell stated in September 1880 that the Land League movement was ripe, that is, was at work, in Mayo, Galway, Roscommon, and Sligo. It was also part of Cork, but it is impossible to separate Cork. Part of Cork was very peaceful. So I have struck that out. I have taken the four complete counties, Mayo, Galway, Roscommon, and Sligo. Now the ripeness had commenced in Mayo and Galway especially in 1879, certainly after the Irishtown meeting. In 1878 there had been 25 agrarian crimes in Mayo. The Land League was ripe in Mayo, through 1879 and 1880, and the crimes in Mayo spring from 25 to 178. In Galway, a ripe county again, they spring from 22 to 179. In Roscommon, from 12 to 35, and in Sligo from 15 to 53. So the increase in the four ripe counties between 1878 and 1879 is from 74 to 445; and that 445, the figure of the agrarian crime in 1879, the figure of four great counties where this movement had taken place is out of a total for the whole of Ireland of 863—four counties alone. Those are the ripe counties. Now I cannot say I compare them, because of course counties differ in size and condition, but I take the four counties where I find the greatest amount of crime existing in 1880. Now your Lordship will see they are unripe counties, counties where in 1879 there had been no Land League, or no Land League of importance, namely, Kerry, Limerick, Wexford, and Tipperary, there having been no action of the Land League. In Kerry the crime had sprung from 5 to 13, that is between 1878 and 1879. In Limerick, another unripe county, 22 to 27. This is in a time of great distress. Wexford, 5, had decreased to 4; that is another county scheduled for distress. Tipperary, said to be turbulent, from 12 to 28. So in these counties, which my friend says were so full of distress, the distress bringing forth the natural crime, there is an increase when the Land League is absent of from 44 to 72, where in the ripe counties where it is present, there is an increase from 74 to 445. Those are startling figures, and must have startled my friend Sir Charles Russell, when he was speaking generally about distress in Ireland producing crime and without taking the care to see in what counties the crime had been produced, and under what circumstances. But this is comparatively a very, very small matter compared with what has to follow. In the ripe counties where ripeness existed at some period, probably of 1879, and certainly in 1880, we now find the increase going on between 1879 and 1880, and there of course there is an increase, because the intensified work of the Land League was going on. You will see the increase. Mayo increased from 1879 to 1880 from 178 to 343. Galway increased from 179 to 402. Roscommon increased from 35 to 43, and Sligo increased from 53 to 71 or an increase still in the ripe counties of 445 to 859.

Now, take the unripe counties and for a moment it will appear to everybody, it will appear to your Lordship, that what I am about to state is against my argument. In a few minutes your Lordship will see whether it is or not. But here in the unripe counties the increase is far greater, both proportionally and actually, between 1879 and 1880. Kerry from 13 increased to 298; Limerick from 27 to 186; Wexford from 4 to 56; Tipperary from 28 to 106. There your Lordship sees the unripe counties increased in that year from 72 to 646; and at first you will say, "Well, the Land League was not at work there." They were not at work there till September.

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It is true, my Lord, the increase existed in the other counties too, but in less degree both actually and proportionally. Mayo, which had been previously ripe, increased from 178 to 343; Galway, 179 to 402; Roscommon, 35 to 43; Sligo, 53 to 71; or an increase from 445 to 859. Now comes the important matter that I say is one deserving of every consideration. The ripe counties were ripe in September and comparatively little had to be done with them. The unripe counties represented almost virgin soil of agitation. Nothing had been done till September; but after September the Land League spread like wildfire, says Mr. Parnell, and spread like wildfire through the counties that had been unripe. I have read to you the great increase of crime in the unripe counties between 1879 and 1880. When did that crime come into existence? Not during the year 1880. It came into existence during the three months October, November, and December, whilst this "spreading like wildfire" process was going on, and whilst the unripeness was turning to ripeness. In those months for the most part, and for the first time, the Land League attacked these unripe counties, and now, my Lord, see the result. I am speaking of the unripe counties. In Kerry, we have an increase of crime from 13, the peaceful representation of 1879, to 298 in 1880. In what months did that occur? In the nine months from January to the end of September inclusive, when the Land League was inactive, out of the 298 crimes 72 took place, and 226 occurred in the three months of October, November, and December, when the unripeness was changing to ripeness, and when the "wildfire" was spreading throughout these counties. So it is in Kerry.

In Limerick the 27 crimes of 1879 had increased to 186 in 1880. The first nine months produced only 37 crimes, the last three months produced 149.

Wexford, which had been most peaceful when it was left alone, in 1879 with only four crimes, sprang to 56 in 1880; and here is the significant figure. Out of those 56 in 1880, eight agrarian crimes only were committed in the nine months, and 48 in the three last months, while the Land League was at work.

Tipperary, springing from 28 to 106, had only 31 crimes in the first nine months, and 75 in the last three months; and so, my Lord, it is that we have truly 646 crimes existing in 1880, but of those during the period of distress, during the first nine months when the harvest of 1879 was producing all its sad results, there were 148 crimes only committed, and when that distress was passing away in the last three months 498 was the sum total of those crimes that then occurred.

(*Mr. Justice A. L. Smith.*) Sir Henry, let me ask you a question. Kerry you say was not ripe till October. I understand that. Because Mr. Huggins said Mr. Biggar made his first speech down in Kerry on the 9th or 10th October.

(*Sir H. James.*) He tells us what counties are ripe.

(*Mr. Justice A. L. Smith.*) Why do you take only Kerry, Limerick, Wexford, and Tipperary?

(*Sir H. James.*) Because these are the unripe counties, and I have taken them where the greatest amount of crime exists. I have compared the ripe counties with the four unripe counties, where I find the greatest amount of crime in 1879 and 1880.

Now, a little more in comparison. It is not so strong as what I have stated; but will your Lordship note that the increase in the ripe counties during these three last months is as nothing as compared to the increase in the unripe counties. The reason is the Land League had been in force and had expended its strength, and there was nothing new to be introduced in the way of incitement to crime in those counties comparatively to what was introduced in the unripe counties; and, therefore, you will see that, whilst the increase from 1879 to 1880 in Mayo, Galway, Roscommon, and Sligo is 445 to 859, out of these 859 crimes, 395 were committed between January and September, and in October, November, and December 464, a little more than half in the three months. Now, compare the crime in the counties I call the unripe counties. The proportion is as 148 in the nine months to 498 in the three, and whereas, as I have said in the counties that were ripe, and where the force had been expended, the increase is from 395 to 464.

Now, I have spoken with sincere admiration of my friend's speech. I wish he had devoted a little more time to the analysis of such figures as these. What is the answer that is made to these figures? It was not distress, and, as I shall show you when I come to that part of the case, it was not eviction. It was not distress and it was not eviction; but although the harvest was good and distress was passing away, it was the combination of influences brought to bear upon these men. The politicians were at

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work. The unsettlement had to be continued. There was anger in the minds of men who had returned without success, as they deemed it, from the Parliamentary session; and so these speeches were uttered. These worse than words of silence affecting murder were allowed to occur; and so it was that, whilst I make every allowance for the fact that the months I have mentioned were the winter months as distinguished from the summer time; as the year 1880 closed there was a sad sad amount of crime, unknown, as I will show your Lordship, in amount in comparison with population and compared with distress or eviction at any previous time.

One, now, has to ask who is answerable for all this? What were the things done that ought not to have been done? What were the things left undone that might have been done? I will show your Lordship in a moment that there was one man who thought and seems ever to have thought that a great deal might have been done, and who tries to do something, but could not have his way, and that man was Mr. Michael Davitt. But, my Lord, speaking of others and of more conspicuous men, we have read the speeches they made; we have read the words they used; and the absence, too, of the words they ought to have used must be noted; and I say that before you, standing for judgment, are those men who, with vast, almost unlimited power in Ireland, could, to use the figure that has been used, have stayed this plague, but would not; and that these are the men who produced this concentrated crime, or who, at least, were answerable for this concentrated crime, of the last days of 1880. The crime did not exist. The causes for it were absent, save the causes of appeal and incitement of the passions and the interests of men.

My Lord, I cannot quite let the matter stand where it is. I wish to deal with express speeches of one particular person, because they seem to constitute a particular class of appeal to men. I am speaking now, my Lord, of Mr. Dillon, and I am sorry that I have to suggest that amongst those answerable for the existence of this crime, words uttered by him rendered him one of those on whom much responsibility rests. Throughout this Inquiry you will recollect that there has been a class of men who have often been mentioned in connexion with the young men of the country of the farming class. Mr. Edward Harrington, in his evidence at page 5098, seems to entertain the view I am suggesting to you. When speaking of those who were likely to have committed crime he says first:—

“ I believe it must be some militiamen or ex-militiamen who organised themselves, because they had some organisation or quasi-organisation among them; it may be Kerry militiamen or other militiamen who had a great deal to do with the organisation, but no doubt the young men of the place must have gone into it—farmers’ sons and farmers’ servants.”

And, my Lords, here and there throughout this case we find reference made to the young men of the districts, to the manhood, the young manhood; and it no doubt was that those young men, for the most part probably sons of tenant farmers, were the men, as from other evidence I shall submit to you is established, who in sympathy with the Land League or, themselves Land Leaguers, acted as the police to carry out the decree of the Land League, and were the bodies known by the name Moonlighters who committed this sad amount of crime at the end of 1880 and subsequent years. We know now the effect that any words uttered by men of eloquence and position, looked up to and regarded as men of light and leading, would have upon the minds of these young men. And one would have thought that as this amount of crime was increasing and its existence was brought home to the knowledge of these leaders who had such power, that they would have chosen their words and resolved them into words of moderation and words that should produce forbearance from crime on the part of those who listened to them.

Well, my Lords, amongst the conspicuous men I say who were taking a leading part in political affairs was Mr. John Dillon. I may be wrong in drawing the inference I do from his speeches, but let those speeches speak for themselves. It is not in one speech that we find the words referred to; not words hostilely spoken but systematic, apparently. There was an appeal to the young men, and every one knew what that meant. There was an appeal to the young men to act, not with words of constitutional restraint applied to the action, but the words urging young men to act in a way that they well knew how to understand.

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My Lord, I refer first to a speech of Mr. John Dillon made at Kildare on the 15th August 1880, at page 194. It was the speech I mentioned in answer to Mr. Justice Smith, as containing the reference to the good harvest. I will read what he says with reference to the good harvest, if you will allow me. He says:

“ First of all, the immediate object is to put a stop to rackrents, every man
“ in Kildare shall pay it no more. Secondly, we must insist that no man nor
“ woman shall be put out of his or her farm. No evictions shall be in Kildare.
“ Third, no arrears of rent shall be levied in Kildare. The country is emerging
“ out of a grave crisis, and there is no use in a good season, if you will not be in
“ a good position to take advantage of it. If you pay rent and arrears of rent
“ this year, then the good harvest will go to the landlords.”

This is August. The crime I am dealing with is in October, November, and December.

Then this is what he adds:

“ If you want to put down landlordism, and put an end to the insolence of
“ the bailiff and landlord, you will do so by organisation, and you will show him
“ when he strikes one you will be ready to inflict a deeper punishment
“ on him.”

Then there were loud cheers, and a contingent arrived.

“ My friends, that looks like a good beginning. What I was going to say
“ to you is this: If the people desire to put down landlordism, the only road to
“ this is to have an organisation in the country that every farmer shall belong to
“ a branch of the Land League that exists throughout the country, that all the
“ young men shall be prepared to march to the meetings and in proper order too.
“ And when we have that organisation

(That is the young men)

“ perfected, let the word go out that no farm from which any man has been
“ evicted shall be touched or used until the rightful owner shall be put back again.

Then still further:—

“ We ask of you in every townland two men who are not afraid of any man.
“ Give each of these a book with the names of every man in that townland. They
“ will go round to all these men and ask everyone of them to join the Land
“ League; and in this way every man who refuses is known to turn his back
“ upon the people. I believe that every nine out of ten will join. When any
“ man gets into difficulties the Land League helps him, and if he is turned out the
“ League will assist him. These organisers shall report to the branch of the
“ Land League how many men they can march to the meeting, and they shall be
“ able to march to these meetings like a regiment of soldiers. There will be more
“ effect in 200 young men marching to a meeting under the command of their
“ leaders than 20 speeches. Let us, then, gather together the leagues of the
“ country and march them to the meetings, and I am sure it will stay the land-
“ lords before they put you out. This is the work we lay out for the League this
“ autumn, because it is in its infancy.”

My Lord, this was in August, and the young men did gather together, and we have the crime of October, November, and December.

(Mr. M. Davitt.) Not in Kildare.

(Sir H. James.) I appreciate Mr. Davitt's words, but he does not think it likely that Mr. Dillon's language fell flat in Kildare, and was not repeated and echoed elsewhere. Then, in the same speech, I read these words:—

“ We can paralyse the hands of the Government, we can prevent them
“ passing coercive laws that would throw you into prison for organising
“ yourselves. We can tell you, the people, to drill yourselves and organise your-
“ selves, and we can take it out of the power of the police to arrest every man
“ found out after eight o'clock at night. We in Parliament can see that
“ Irishmen have a right to be out after eight o'clock or all night if they
“ like.”

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There was no law at that time in 1880 preventing people being out; the Peace Preservation Act had expired.

“ We will see that they have a right to march to meetings and obey the commands of their leaders, if they choose to do so. We shall see that every man in Ireland shall have a rifle if he likes. All I will say is that if the manhood of Ireland is not enough when you have your rights to win your freedom and put down landlordism, then I shall be ashamed to call myself an Irishman.”

This is what we are told is constitutional language, and a constitutional appeal to the Irish people.

I pass on. That is in August. In November there was a second speech of Mr. Dillon's at Killaloe, in county Clare. This speech is not quite so strong a speech.

“ The task that is before you is this: pledge, every man who is here, and every man in the two counties, not to pay one farthing over Griffith's valuation; and if any man — let every parish in the two counties have its Land League; let every man be enrolled in that Land League, and do not wait for them to come in, but send young men round to ask every farmer—having a list of every farmer—to ask him will he come in or will he not.”

Does your Lordship not see what this means—the young men going round to ask him if he will come in?

“ And then you will know who are the friends of the people and who are their enemies, and then let each parish resolve for itself what they will pay.”

My Lord, there is more, but I will pass on to another speech at Thurles, in Tipperary. I am passing away from Kildare to other counties. I shall be glad, if you wish it, to read more, but I read that which appears to me important,

“ But, now, in order to be ready for this, you must not—when you go home from this meeting to-day you must make up your minds that you have simply begun the battle here to-day, and you must not rest content till every townland round about Thurles is organised and disciplined under its own captain and its own leader, so organised that when the orders go out from Dublin, from the executive of the League, to strike at the pockets of the landlords, that those orders will be obeyed universally and immediately throughout the country; so organised that it will be in our power at notice of a week, or three or four days, to assemble at any place, where we think fit, a body of 5,000 or 10,000 men, marching in order under their leaders in that disciplined body, which has more effect as a demonstration of force than the shouting of 30,000 men. Now let me say in conclusion that we must all remember and take to heart that this is not a struggle to be won without stern exertion on the part of each and every individual man. As soon as we have got the country properly organised, we intend to give up the meetings, and that will be a very pleasant day for me when I have done with speaking.”

I would respectfully ask notice to this when we come to deal with the years after the organisation was complete, when meetings were few, the key to it being found in these words:—

“ As soon as we have got the country properly organised, we intend to give up the meetings, and that will be a very pleasant day for me when I have done with speaking. As soon as the country is strictly disciplined and ordered, we will require no more public meetings and no more speeches, because everyone will know what he has got to do, and whom he has got to obey. But the people must work hard at this organisation, they must put pressure on certain individuals who are selfish enough, although they are living out of the people, to turn their back on the people's cause in the hour of trial. There is hardly a man in this crowd who has not got friends and relatives in America and Australia, and let him not let a week go by without writing to his friends in America and Australia begging them to come to the rescue of the people here, to form Land Leagues all through America and Australia, and press on the work, and send us home the sinews of war to carry on the battle.”

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(*The President.*) I did not catch the date of that.

(*Sir H. James.*) That is November 14th. The fourth speech is in 1881, at Lochrea, on March 17th. There are a few words in this speech bearing on another point, which I will quote now; that is, the ability of men to pay rent. At page 489 Mr. Dillon says:—

“ Now I will quote you an example to show you what is done in this way in
“ my county. Yesterday, in the town of Tipperary, a farmer, who was a rich
“ farmer, a man who could have well paid his rent, but he would not go back on
“ his neighbour, and do what his neighbour could not do. 39 fat bullocks were
“ driven off his farm—and mind, he was a Protestant amongst Catholics—they
“ were driven into the pound in the town of Tipperary. A great crowd of far-
“ mers entered. Not a soul, no auctioneer, could be got to sell the cattle. That
“ shows how sound the organisation is in Tipperary, and how every man in
“ Tipperary is with the League. They were obliged to march out 150 men of the
“ 48th Regiment, and 200 police, and after a great deal of excitement the bullocks
“ were bought by a brother of the farmer for 4*l.* 2*s.* 6*d.* each, the landlord not
“ getting his rent. The bailiff of the landlord was obliged to act as auctioneer.

Then Mr. Dillon seems to mention with great satisfaction that they are going to proceed against the bailiff for acting as an auctioneer without an auctioneer's license. Then in his speech occurs what I wish to mention at page 490:—

“ Therefore I would say to you that even at the cost of some temporary
“ sacrifice, and I appeal to the young men of Galway especially to show a bold
“ front to those tyrants—teach them that the Irish race is rising all over the earth
“ to-day; teach them that there is a power still in the Irish race to destroy
“ Irish landlordism and win back the fair fields of Ireland for the people from
“ whom they have been too long kept.”

The last of this series at this particular time is in Donegal, on the 18th of April, at page 475. There the words are:—

“ You have brains in your heads; another game before you is simply one
“ of passive, obstinate resistance, and if the Government breaks up the
“ organisation in Dublin and arrests the leaders then what you have got to do
“ is hold meetings after mass every Sunday, and pledge yourselves to carry on
“ the struggle honestly and honourably. As I said before, let leaders be got
“ up amongst the young men of every townland and keep an eye on every man
“ who betrays the cause, and teach him by a principle which you understand
“ much better than I do, that it would have been much better for him to stand
“ by his neighbours. If you act on that advice—

That is the young men of the townland keeping an eye on men they disagreed with—

“ it does not matter whether the Government breaks up the central organi-
“ sation or not. Every town and parish in Donegal should be an organisation
“ in itself.”

Now one understands how it was that Mr. Dillon uttering these speeches wished to focus the action that he was calling into play. In this very same speech you will find Mr. Dillon urges that the branches of the Land League should be as small as possible in order that they may better observe the land-grabber. He says at page 474 in the same speech I have just read:—

“ We advise wherever a branch is started, each parish, or if the parish be
“ big, each half parish, should have its own branch, because I find the smaller the
“ branch and district the better it works; the nearer you bring home to the poor
“ man's door the machinery and organisation the better will they work, and the
“ better chance there is to find out the land-grabber or traitor.”

We shall see how the word “traitor” is understood by these persons whom Mr. Dillon is addressing, and so, although I am anticipating, passing on in time to history which is not contemporaneous, Mr. Dillon is able to look back upon his own teaching and to see the effect of it. In a speech which was delivered some time afterwards, in

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June 1887, again at Kildare, Mr. Dillon, speaking of what he has been able to do by the appeals to these young men to go round to farmers and to mark them out in their small districts, is able to boast, and did boast, when speaking in Kildare in 1887, and speaking of these movements, that—

“ There never was the slightest success (that is, for the Land League movement) until we hit upon the dodge of making it too hot for the man who took his neighbour's land.”

That is at page 2270.

My Lord, I do not find any difficulty in abstaining from passing my own judgment upon such speeches as these. They speak for themselves. I would not suppose for a moment that there is any person now who would justify these speeches; and we must read them with the application to them of one's ordinary knowledge of the effect they would be likely to produce. Then as we turn over the page we find, immediately following these speeches, that unexplained record of crime, that springing by leaps and bounds from comparative peace in some counties to this enormous mass and aggregation of crime. We see the natural consequence resulting from these words. And I say, my Lords, it becomes comparatively immaterial whether I utter words of condemnation or not. The condemnation must come upon such proof as is now before you—proof not of mere speculation, but proof out of the words of the men who now stand for your judgment; and I say that that condemnation is the results of facts that cannot be controverted, and the inference to be drawn from those facts can only point to one conclusion, the conclusion which I am sure must be in your Lordships' minds.

My Lords, I come now to another quite distinct branch of this case, involving entirely new considerations and yet affecting this very period. I have already pointed out to your Lordship that there were reasons and causes why one would have supposed there would have been a mitigation of this agitation, and certainly there would have been a lessening of the intense feeling displayed by these politicians who had got hold of the Land League. But new engines had now to be brought into operation, and again I find that he who leads, either in main, design, or in minor operation is the same man, that is, Mr. Davitt. It may annoy other people if I say others stand dwarfed by Mr. Davitt's side; but it is impossible, as we have noticed these leaders, but to observe that so long as Mr. Davitt was at liberty, so long as he was enabled to play any part in connexion with the Land League, his was ever the mind designing, and his was ever the hand first to act. We come now to this new engine, this cowardly weapon, that was employed, this action of boycotting. My Lord, for good or for evil, the suggestion of boycotting comes from Mr. Davitt in the first instance. I will not say he devised it, because there may have been different operations similar to boycotting, as my friend Sir Charles Russell suggested, in a very old time indeed. There may have been in later time one man shunning another, so as to show his disapprobation of his conduct. I am not for one moment going to argue that a good man and a bad man should be treated alike. We have the right to express approval of good acts and disapproval of bad ones. That is a general proposition. But it is the application of our approval and disapproval we have to deal with and the extent to which our views in such directions should be carried and the means used to carry out our views that we have now to deal with.

My Lords, it was in Boston in July 1880, that Mr. Davitt gave his views on the subject of boycotting. The speech is given in evidence at page 5684. It is in Mr. Davitt's evidence.

(*The President.*) My own impression is that you will find the scheme, though the word “boycotting” of course is not used, in an earlier speech of Mr. Dillon's.

(*Sir H. James.*) Yes, my Lord. It is perfectly true there is something said on the 22nd January 1880. I regard that speech as of minor importance, because it is in much more general terms.

(*The President.*) I think even earlier than that. I have not the reference here, but I will give it you another time.

(*Sir H. James.*) I have nothing myself earlier than January 1880, and that is of so much more general a character that I do not attribute to it quite so much importance as I do to Mr. Davitt's. He was there saying he should be treated as a traitor, which may mean a great many things. But Mr. Davitt goes into detail on this matter. Mr. Davitt is very explicit in his speech (p. 6455). He refers to his own views, but I

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SIR HENRY JAMES.

[Continued.]

think Mr. Davitt in the speech I am now referring to may possibly have placed before Mr. Parnell suggestions upon which Mr. Parnell acted. At page 5684 Mr. Davitt says :—

“ After 1848, when the peasant class were almost crushed by the exactions of
 “ the landlords and the ravages of the famine, they could be easily thrown out,
 “ because other farmers would take the holdings ; but to-day, from east to west,
 “ from north to south, not a man could be found who would dare to take the
 “ farm of an evicted tenant. If one should be found so recklessly indifferent, it
 “ would be simply impossible for him to live in that locality. The people would
 “ not buy from him ; they would not sell to him ; in chapel on Sunday he would
 “ have to sit apart by himself ; and this spirit has got such a firm hold of the
 “ people that I venture to say that to-day there is not a man in Ireland who would
 “ follow the example of those of 1848. The vacant farms will remain vacant, and
 “ be a standing warning to the landlords that eviction will not pay. But it may
 “ be asked, What will become of those who will be turned out on the roadside ?
 “ Those, thanks to the liberality of our banished brethren on this side of the
 “ water, will be cared for. Thanks to your helping hands, the Land League can
 “ now protect the evicted families in Ireland.”

We have now come to the speech to which I attribute the sending forth, upon the highest authority, of course, of boycotting in its very worst form, to its worst extent, to be used by those who were the rank and file of Mr. Parnell's movement. I do not enter now at this moment into the question of the responsibility of Mr. Parnell for what other men did, but the general observation does arise here, that whilst boycotting may be merely an act of a social character, that whilst it may express simply the approval on the one hand of a good man's actions and the disapproval of another's, it was a weapon which had also physical attributes attaching to it. It was a weapon which, if used in excess, might be most dangerous in effecting great evil. It had to be used with moderation to be justifiable in any extent. And yet Mr. Parnell to the rank and file of this movement, without giving any authority to organisers or to the local leaders to check and control it, used words, as Mr. Dillon had used them, to the young men of the districts ; he used words, falling upon ready ears, that caused men, acting upon their individual judgment, each and every one of them, to bear himself towards his neighbour in manner and by method, which, as we shall see when the tale of this boycotting has to be told, rendered, in some districts, this fair country of Ireland, as Mr. Parnell is proud to say, as if it were a country of the dead, where no man was allowed his own vital action, where no man was allowed his free thought to guide him, but where men, in consequence of this cloud which was hanging over them, were living a life without one trace of repose, and be his conduct what it might, it had no such return in happiness as is to be found in human life. My Lord, I charge this speech of Mr. Davitt's as being the sanction given to boycotting. It was a sanction given to every man, in performance of what was told to him was his very duty, to treat his neighbour in such a manner that avowedly that neighbour's life should be insupportable.

Will your Lordship allow me before we break off to refer to one matter which I think Mr. Biggar, who, I see, is present, would wish me to refer to. On Friday Mr. Biggar communicated to me that in the course of his cross-examination, his accounts being asked for, it did not occur to him and was not in his mind that there was another banker's account kept at a branch bank in Ireland. That is information conveyed to me personally. It places me in a position not to be able to deal with that fact when discussing the matter before the Court. Therefore I asked Mr. Biggar either to communicate the matter to you or allow me to communicate it. Mr. Biggar would wish to say now that there was another account in existence which was not within his memory when he gave his evidence. Either to-morrow or at some other time you will, perhaps, express your view of what course should be taken in regard to that account.

(*The President.*) Do you wish to say anything, Mr. Biggar?

(*Mr. Biggar.*) I am afraid Sir Henry James has put rather the converse of what my memory is. My idea is there was only one bank account in Dublin as far as I can remember until 1885, and then there was a second account opened at the National Bank. That is the state of the case.

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[Continued.]

(*Sir H. James.*) But that second account was not in Mr. Biggar's memory when he gave evidence.

(*The President.*) Have you any other account now to produce?

(*Mr. Biggar.*) None whatever.

(*Sir H. James.*) But there has been an account which your Lordship has not seen. That is what Mr. Biggar communicated to me, that is, there is an account of which we have no trace.

(*The President.*) I ask him whether he has any to produce. I cannot deal with a statement of that kind in any way whatever, except that it will be noticed that there is an account in existence which has not been produced.

(*Sir H. James.*) The question is, whether your Lordship thinks it right we should have an opportunity of seeing that account or not.

(*Mr. Biggar.*) Sir Henry James, on my examination, cross-examined me very strongly to know whether or not there were two accounts in 1885. So far as my memory served me, there was only one account, namely, the Hibernian Bank account of 1885. Then about 1885 there was a second account opened in Dublin, which did not last for any considerable time.

(*Sir H. James.*) That we want.

(*Mr. Biggar.*) It was the parliamentary account, which is now changed into the Charing Cross National Bank in London. I do not think there is anything in the point beyond this, that I wish to be perfectly candid with Sir Henry James, and do not wish to keep anything back.

(*The President.*) But I cannot help observing that you do not account for not producing it. You say you are anxious not to keep anything back. Do you keep back this account?

(*Mr. Biggar.*) I do not keep back the account.

(*The President.*) Then where is it?

(*Mr. Biggar.*) I do not know. I have not seen it. The Court ordered the National Bank and the Hibernian Bank to produce their books. I suppose they did. I do not know what they did. I have not the slightest idea.

(*The President.*) You have had every opportunity of knowing.

[Adjourned till to-morrow at 10.30.]

371 - "Transatlantic" on "Juno Raid".

699. "Knockaroo" meeting (See this speech)

* President says Dillon on 5th Nov. '79 advocated boycotting.

5696. Speech Davitt again boycotting.

5396 Sexton
Parnell's Irish speech on Boycotting.

2438. Fleming's case Dingle - Dingle Branch Resolution

1766. W^m of Dunor. on Nov. Fr. White.

3444 "Warning to Parnell". 24 May '82. Gladstone's speech.

25th May Parnell replies.

(* See my Rathcoole speech on boycotting *)

5696 Davitt Evidence on boycotting.

6088. Harris

330 Brennan speech } Junction C. or D. Bill.

194 Dillon

343 Harris. 17 Oct. '80.

3908. Boyton not Fenian

3794 Russell on Harris

343 "Short" Shorting speech

6093 (Portridge) Harris qualification Longfellow.

6090 Harris again. Riversville. read.

Sherridan's speeches - one very tame.

Boyton's speeches

2805 Boyton on Shorting landlords in daytime.

J. Haughey's protest & protest

5014. " on same.

" Davitt comes in here again "

Argument disposes itself - Coming from Clon. Ho. fact, yet James

Says Davitt came back damned crime.

Nov. '80 to Feb. '81.

5609. Davitt Evidence & on outrages

3910. Parnell

~~5610~~

4213. Davitt at Ballinacorney on crime

4214. "

4216. "

4218. " Keble's speech

3830 Dynamite letter to Ferguson 1883.

4641 O'Brien (Wm) outrages.

3712. A Circular denouncing outrages - a twisted Circular never mentioned.

James Healds Circular.

James agrees that because only threatening letters & outrages on
Animals were deemed in circular; therefore other crimes were actually
overlooked by the circular.

(Admission by James: no one says that the League
recommended Murder". What about charge that "League breed
its movement on assassination carefully planned & easily applied?"

1305. Decr. '80. Boycotting Haggerty. Letter to Davitt.

Chairman of Branch condemned the boycotting.

5700. Letter I.W. to President - Mulligan Branch

" " 55. "Shot at in 1885 - ?" — as result of not getting a letter
from me in Decr. 1880!

Ed. Davitt to Patten — Eider Dillon.

6471. The P. Party manifests an interest referred to.

"How these crimes were committed & who committed them"

Deals with Fenianism as only Secret Society in Ireland

Constitution I.R.B. James goes into history Fenianism.

"One wing" of Parnell's army?

6047. Harris on I.R.B.

Says assassination was part of policy of I.R.B.

2122. Mr. Ardhe produces Constitution

2123. Headed "Amended" Constitution. Rule XV.

2370 Constitution found at Walsh's hotel at Rochdale

2594 "Another referred to.

James takes out again the "Pea" letter. This revenge for
my attacks on the

4067. Parnell on Fenian traitors.

2458. Beach's despatch to 1877.

2461. "Punishments."

2465. "Circular from H.B.

2680. "Last Letter Speech, again. !!!

James 5th 1889

M. Davitt

6709

“Uncorrected Proof.”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1.

Thursday, 7th November 1889.

No Sitting on Friday.

(Sir H. James.) My Lords, perhaps you will allow me to give you a reference or two to matters which I mentioned yesterday, which I think may support the view which I then endeavoured to present to you on different subjects with respect to the locality of the distress, which I suggest was principally confined to the West Coast islands and the fringe of the West Coast mainland. I would wish to refer you, in addition to the extracts from the evidence, to that statement which was made by Mr. William O'Brien. At page 4640 Mr. O'Brien describes his visit to the distressed districts, and the circumstances which caused him to send in his adhesion to the Land League action, and he is asked at question 70,688:—

“Did you again in the winter of 1879 and 1880 visit the districts of Galway and Mayo?—(A.) I did. (Q.) Did you find a large portion of the population were living on relief funds?—(A.) Oh, yes; almost the whole population; nearly all the coast parishes—almost the whole population, I think, in the parish of Rasmuck. There cannot be a dozen families who were not living on the relief fund. (Q.) Had the potatoes disappeared?—(A.) In those districts entirely. (Q.) We are now in February of 1880?—(A.) Oh, yes; the potatoes of 1879 in those districts had disappeared, in many instances, by November or by January, and in even comparatively good districts they had disappeared. (Q.) You mean in the districts of Rasmuck, Carraroe, Carnagh, Lettermullen, Orney, Leenane, and Boffin?—(A.) Yes; those places, amongst many others. (Q.) Did you find a scarcity of food amongst the people?—(A.) Oh, certainly; wherever the relief had not reached them, they were in an absolute state of starvation. The people were already broken with hunger. They were starving. (Q.) Were they eating Indian meal?—(A.) Very little Indian meal. They had one meal a day of it; that was the most.”

Then, Mr. O'Brien limits the whole of his evidence by this answer:—

“Of course, it must be understood, I am now speaking of the Coast parishes.”

Which is exactly the view I desire to present to you.

To one other subject, and quite a distinct one, I wish to add an authority which was in my mind when I made the statement; but I did not give the reference which I ought to have given to your Lordships. It was with reference to the incident of the June raid for arms, and the suggestion made by Mr. Parnell that the “Blarney” represented an attack of secret society men or extreme men. Your Lordships will recollect the view I sought to present to you—those men were acting in accordance with the views entertained by Mr. Dillon and Mr. Brennan represented by the Central League, and the hostages were taken away to make a place for better men, those who were truer men, to support Mr. Parnell. The authority which was in my mind is to be found at page 3371. It is a letter which was printed in the “Irish World” from Transatlantic:—

“That great Cork procession of Sunday last was headed by a thousand men who are the advanced guard of Ireland. There has been a coolness between those national guards and the Land Leaguers, but the grand event of Sunday has removed all that.”

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SIR HENRY JAMES.

[Continued.]

Then this occurs:—

“ The dissolution of the Cork Land League, and the formation of a new
 “ body, from which all the obnoxious elements will be expunged, shows that even
 “ the advanced Nationalists who mobbed Mr. Parnell at Enniscorthy in the early
 “ part of this year are now falling in with the agitation. It is notorious that the
 “ obnoxious members of the Cork League were those men who proposed and
 “ carried a resolution condemning the raid for arms on the Norwegian barque
 “ ‘Juno’ at Passage in August last. These men were forcibly removed from the
 “ carriages in Mr. Parnell’s procession at Cork on Sunday by a number of
 “ Fenians armed with revolvers. In ejecting the obnoxious Land Leaguers, the
 “ men with the revolvers declared that they had better men to sit beside Parnell;
 “ and who these better men are will be seen next Saturday, when Mr. Parnell
 “ goes down to Cork to join the new Land League. All joy and all honour to
 “ those Irishmen who thus put forth their hands to each other. There need not
 “ be any secret in the objects of the Fenians or of the Land Leaguers. Both
 “ have as their common purpose to free the lands of Ireland from land-robbers
 “ and fish-thieves.”

Your Lordships will recollect that “the obnoxious element will be expunged” referred to the formation of a new body to represent those who had condemned that act of raiding for arms, and that the persons who were to be taken as hostages referred to here were Mr. Cronin and Mr. O’Brien, the mover and seconder of the Constitutional—as I term it—of the Constitutional resolution.

I also, when giving to you those statistics of the three months crime from the different counties, October, November, and December of 1880, omitted to do that which I wished to do, namely, to apply those statistics to the county of Kerry, showing the enormous proportion of crime during the later months, not only to the eastern county, but proportionately, as far as I am entitled to do so, by argument of course, my Lords, to that Castleisland or Tralee district. You will recollect that Castleisland was an integral part of the Tralee district until 1880 when, for reasons of its own, it was altered. But we have not been able to place before your Lordships the exact degree of different crime in the different periods of the year 1880. And therefore I say I can only rely upon the evidence of that district of the county of Kerry, and ask your Lordships to rely upon that.

My Lords, perhaps also I may take this opportunity of saying that on Tuesday afternoon Mr. Davitt called my attention, and your Lordships’ attention, to the fact that I was wrongly reading one of the resolutions, or one of his statements, in America, which was as to adding to the platform another plank, namely, the industrial view of the resolution, and that I had wrongly read that supposing that was the abolition of landlordism. Referring with greater care to the notes, in consequence of Mr. Davitt’s suggestion, it seems to me that Mr. Davitt was quite correct in that, and that I did not quite apprehend the observations he then made. And I would ask your Lordships that those remarks should be regarded as not having been made to your Lordships.

Now, yesterday afternoon I just commenced to deal with the important subject of boycotting. I was endeavouring to trace the source of this system, and I traced it to Mr. Davitt, giving to your Lordships a date represented by his Boston speech. I had, I thought, found its source pretty well, in Mr. Davitt’s mind, but the date I should have given to you was that of the 23rd January 1880. At page 5699 the speech that Mr. Davitt made upon that day is put to him. These were his words:—

“ Why should we not publish all our manhood, and demand from the Govern-
 “ ment the abolition of this system.”

I do not know whether that is correctly reported, but these are the words here:—

“ Now, not to keep you any longer, as my friend Mr. Ferguson is to follow
 “ me—but before I give place to him I have a little advice to give you. This
 “ farm I trust will not be tenanted by any man in the Queen’s County. If
 “ such a traitor to your cause enters this part of the country, why, keep your
 “ eyes fixed upon him—point him out—and if a pig of his fall into the bog hole
 “ let it be there. I don’t believe there is a man of this county would play into
 “ the hands of your enemy.”

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SIR HENRY JAMES.

[Continued.]

(*Mr. Davitt.*) Where is that.

(*Sir H. James.*) This is given at Knocknaroo, I think. This is the speech that was made in the midnight journey as to funds coming from America, and Mr. Patrick Ford being at the back of the movement when Mr. Ferguson and Mr. Davitt were together. It is the Knocknaroo speech, Queen's County.

(*The President.*) I said I would mention what I had in my mind relative to Mr. Dillon in a return. It is the 5th October 1879. You will find a speech of his in which he outlines the system of boycotting.

(*Sir H. James.*) My Lord, as that speech has been on your Lordship's note, of course it is in evidence, and therefore I will refer to it. Now, at any rate, be it Mr. Dillon or Mr. Davitt, I think, taking this speech as some index of the intention of those who set the idea afloat, it was not intended to represent that moral suasion which my friend claimed to represent, to show approval of what is good, and disapproval of what is evil. My friend's view, and so far as I am concerned, the view that I would agree in, is, that when Mr. Davitt used that word "traitor," the word, my Lords, we shall have to deal with, when we come to other actions—he knew what it meant, and he knew his audience knew what he meant—and that it was handing over the very safety of the man who had to be so regarded to those who had known in the past how to deal with traitors. And what I am afraid we shall see as to the past to those who did know how to deal with him according to their view. To emphasise that view, as to the meaning of the word "traitor" in Mr. Davitt's mind, I would refer you also to page 5696 where he says "land-grabbing is treason to the cause of Ireland, a gross outrage on the people, and a legal robbery," so he is a traitor, committing treason to the cause of Ireland, and although as we shall see in a few minutes, Mr. Davitt's view of the treason was, that it was unsafe to name any particular person, yet at the same time he was naming the act of land-grabbing, and marking it as an act of treason, those in the locality knew full well from their local knowledge—perhaps better than Mr. Davitt—who had committed the crime of treason in land-grabbing, and to whom the fate of the "traitor" should be applied.

I think before reading you the evidence of the other suggesters of this system we get a very fair account of this boycotting, certainly after these speeches, and it may be too to some extent before. Mr. Sexton at page 5396 says:—

"I say that boycotting first arose locally, and then subject to certain definitions and limitations, it was recommended by public leaders.

Probably that may be a right account; we find no trace of it before agitation commenced. After agitation commenced, local people, persons acting locally, may have taken individual action, and when the force of it had been appreciated, the public leaders recommended it. How far Mr. Sexton is justified in saying that it was given and recommended by the leaders to the people, with certain limitations and definitions, we must, of course, inquire. I do not find the limitations very clearly marked out, and I do not find the definitions easy of comprehension. At least we shall see that there are very many different definitions and very very few limitations. It seems to have been, according to such speeches as Mr. Parnell's at Ennis, and Mr. Dillon's, a general suggestion of this great power of actual intimidation, and by that I mean intimidation backed by acts and supported by acts, and there were no limitations, and certainly no definitions, which would guide the rank and file who so had to act.

I have, with the great assistance of my learned friend Mr. Askwith's industry, made extracts of most of the speeches that were made in advance of Mr. Parnell and in advance of his Ennis speech. They are very many and important in this sense, that they proceed from men—some of them—who were afterwards the organisers selected by Mr. Parnell on Mr. Egan's advice, whose services were paid for by the Land League, and who, of course, in their action, organising the different branches in the country, were carrying out the views of those under whose authority they were acting; and these organisers being men for whom the Land League must be regarded as answerable—I should say to a very full extent; their action, their observations, their statements to the public become, I submit to you, matters of considerable importance.

There is a speech of Mr. Sheridan's on the 6th June 1880, made at Mount Irvine in Sligo. It is at page 364. He says:—

"I want you to say that a man should not be got to herd it or fence it, and let no man be found to graze it. If the landlords don't think fit to come and herd it themselves, they would find themselves forced to herd it."

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SIR HENRY JAMES.

[Continued.]

Then there is a speech on the 20th June at Thrule, in Galway. Referring to land-grabbers, he asked them :—

“ To treat them with contempt, pass them by ; don’t speak to them in the
“ fair.”

That is at page 109. Then, by way of observation on that statement, there is an exclamation in the crowd “ Let them have what Lord Leitrim got.” Now, upon that statement I should wish to make one observation. Of course it would be, I think, a most unfair view to present to you if I suggested that the speakers who were speaking should in any way be held answerable for observations proceeding from the crowd, showing the opinions of those whom the speakers were addressing. But I think it is a fair observation to make that if it should be found by you from the reports before you of those speeches that constantly—I will not say without exception, but the exceptions are rare to the contrary—you find that when these appeals are made in respect to the conduct of land-grabbers, or the urging of boycotting, those who have those views presented to them are constantly replying in a sense that shows they accept the suggestion as being a suggestion of physical force, whilst the speaker is not answerable for the opinion so entertained, he is answerable to this extent, namely, that he thereby learned the views entertained by those whom he addressed, and of course whilst it might be safe to address such observations as these we are quoting to thinking men, to men who would be from their conduct known to be certain to read these views in a sense that would be regarded as moderate, and not recommending physical force, yet if the speakers found that their audiences were composed of men of different characteristics and different composition than that to which I have referred, why, then it became their duty, after being well informed of the nature of the men they were addressing, and the way in which those men would be likely to act, to see that their language was so guarded and so carefully chosen that they should run no risk of inciting these men so addressed by the use of the words which were employed by the speaker, to commit crime which probably would not have been the natural result, if those words had been applied to moderate people.

I will read, if necessary, many other speeches. On the 25th July Sheridan is again speaking at Keash in Sligo. It is at page 373. He says :—

“ I have here to repeat the advice I have given to you from every platform.
“ Any man who dares to take possession of a farm from which another has been
“ evicted, let the finger of scorn be pointed at him, you look upon him as an
“ enemy, and let the children scout him.”

Then there is another speech of the same person on the 29th of August, at page 231, in which he says :—

“ Anywhere a landlord evicts a man from his home let no man dare to herd
“ it. If any wretch should be low enough to do so, whether it be at the church or
“ chapel, point the finger of scorn at him and bring him into contempt ; cry
“ shame at him and point him out to everyone as an unclean animal.”

I think that would be one of the latest speeches made by Sheridan before his appointment as a paid organiser.

There are other speeches too. There is one of R. D. Walsh, on the 5th September, at page 123 :—

“ If there be such a man found in Caherlistrane, who takes a house or land
“ from which anybody has been evicted, do not speak to him, let your children
“ not speak to him, point the finger of scorn at him, do not touch him, harm him
“ not. The world and the people of the place will point him out as the reptile
“ who disgraced his name.”

Mr. Michael Sullivan, on the 19th September, at page 133, at Riversville, says :—

“ No, do not speak to him at all. If he goes into chapel keep away from
“ him, and make a ring round him that everybody may see him. Do not buy or
“ sell from him, and after a little time he will be very glad to give up the farm
“ and go back into honest life again.”

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SIR HENRY JAMES.

[Continued.]

There is another speaker, Peter Broderick, whose speech is at page 140. He says :—

“ Well, the Land League has no power to do anything to him, but you can deal with him, you can refuse your moral support to him. When you meet him in the fair do not know him ; when you meet him in the market place do not know him, form that ring around him that Mr. O’Sullivan suggested to you.”

Then this person of whom we have heard so often, Malachi Sullivan, at page 142, says :—

“ There is not a man who would kneel at the same altar with such a man ; there is not a man who, if he saw him walking on one side of a street, would not walk on the other, for traitorism and fidelity are the very opposite, and should take opposite sides of the street. Will you not thus mark him ? Keep him with that brand upon his forehead until he comes here and makes restitution, and then when he does that, then hold another meeting, a jubilant meeting, to celebrate the triumph of your cause.”

Brennan on the 5th of September at Clanmacnoise in King’s County (at page 219) says :—

“ Let that farm remain waste ; let the grass rot upon it ; let the crops rot upon it ; and if any man is found to take it, or even work upon it, there are a thousand and one ways in which you can punish him ; that you can punish him without transgressing the law.”

Then we have J. W. Walsh on the 5th of September at page 236 :—

“ But should there be found amongst you, a wretch mean enough to take that land from which your neighbour has been evicted, I ask you not to speak to him, or buy from him, or sell to him, or recognise him in public market, or street, or buy from the shopkeeper where he deals. Don’t interfere with him, but treat him as an enemy of his country. And another thing, do not reap his corn, or dig his potatoes. Leave his corn uncut, his potatoes undug, and himself to wither under a people’s curse.”

We come now to that celebrated speech of Mr. Parnell’s of the 19th September 1880. It is very fully before your Lordships I am aware, but it marks a new procedure in this action of the Land League. Mr. Parnell, I presume, had had conveyed to him, or he had learnt, the views that had been expressed throughout the country—local views, as Mr. Sexton may rightly term them—by those who were his active supporters. So Mr. Parnell proceeds to give his sanction to this system. It is a speech which carries boycotting to a very far extent. Its limitation, of which Mr. Sexton spoke, I do not find there. Its definition, perhaps, is more explicit than anything approaching limitation. In this speech, after saying that the Land League system was ripe in Mayo, Galway, Roscommon, and Sligo and in portions of the county of Cork, Mr. Parnell proceeds to deal with the way in which the views of the Land League are to be carried into effect. He says :—

“ Now, what are you to do to a tenant who bids for a farm from which his neighbour has been evicted ? ”

Your Lordship will recollect that by what are termed the byelaws of the Land League, the taking of a farm from which a neighbour has been evicted, is not to be allowed. When that question was put by Mr. Parnell there were loud shouts of “ Kill him ” and “ Shoot him.” Mr. Parnell very properly said :—

“ Now, I think I heard somebody say, ‘ Shoot him.’ ”

He dissents from that view to an extent. He says :—

“ But I wish to point out to you a very much better way, a more Christian and a more charitable way, which will give the lost sinner an opportunity of repenting. When a man takes a farm from which another has been evicted you must show him —— ”

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SIR HENRY JAMES.

[Continued.]

Much has been said as to that word. My own view is it is rightly reported as "show him." Whether "shun" or "show," the sense is much the same.

"You must show him on the roadside when you meet him, you must show him in the streets of the town, you must show him at the shop counter, you must show him in the fair and in the market-place, and even in the house of worship, by leaving him severely alone, by putting him into a moral Coventry, by isolating him from the rest of his kind, as if he was a leper of old; you must show him your detestation of the crime he has committed, and you may depend upon it if the population of a county in Ireland carry out this doctrine that there will be no man so full of avarice, so lost of shame as to dare the public opinion of all right-thinking men within the county, and to transgress your unwritten code of laws."

Well, my Lord, I say considering the state the people had by degrees been wrought into, considering how appeals had been systematically made up to this time, in accordance with the canon of conduct laid down by Mr. Matthew Harris, to raise the dormant passions of the peasantry, to appeal to their self-interest, to touch upon that moral spring which Mr. Davitt says is the mainspring of all human action, namely, selfishness, one can understand that Mr. Parnell, commencing his campaign as he does, the campaign of 1880, commencing the operations that he was about by himself and by the action of his lieutenants to commence in Ireland, this speech must have been the speech that would have aroused the action of the classes who were so addressed. To them was handed over this weapon for every man according to his individual judgment, to use against his neighbour, against a neighbour who is pointed out to him there to be regarded, and that he ought rightly to be regarded as a traitor, if not that very word is used, as an enemy to his country and to be treated as a leper. And, my Lord, the observation must go upon that speech that any man in the position of Mr. Parnell bore the responsibility, the full responsibility, of his words. He was at that time regarded as one who could lay down an unwritten law for the people of Ireland, and he must, I say, bear, and bear to the fullest extent, the responsibility of all that we shall find now proceeding from carrying into effect the orders that he then gave to his followers. The word, I think, is rightly used. He ordered those people who were willing to follow him in Ireland, he ordered the humblest amongst them, the most extreme amongst them, the best armed amongst them; he ordered them one and all, wherever they might be, in town or country, under whatever circumstances they chose to act, to become an attacking force against their neighbours. And, my Lord, I regret to find that there are not the words of limitation to which Mr. Sexton referred, but they are words of broad use and likely to be interpreted as words upon which action of a very broad character indeed might be based. My Lord, beyond this definition and statement of Mr. Parnell for which, as the acts of boycotting develop themselves, and find their sanction in graver action than that which would be contained within the words of Mr. Parnell's advice, and for which I am going to ask you to hold Mr. Parnell answerable, there were other speeches, of course, made and following Mr. Parnell. There were other directions given to those who were willing to follow the words of their leaders.

My Lords, on the 10th October Mr. Dillon speaking at Templemore rather enlarges the explanation or definition, if it amount to such, that Mr. Parnell had given at Ennis, on 19th September. Mr. Dillon says:—

"When a man set himself against the rules of the League, and takes a farm from which another has been evicted, the way to deal with him is this:

Response from the crowd, "I should shoot him."

"No, I would not injure any man, but a way to deal with him is this, do not have any communication with him at all; do not allow your children to mix with his children; do not speak to him, and have no dealings with him; neither buy nor sell with him; show in every way that you can that you regard him as what he is, that he is a traitor to his people and his country, and a friend of the oppressors of the people. Believe me, if you keep up that system for a short time, it will be far more effectual than if you shoot him, because no man can be punished for such a deed, and you will find that he will give way before

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“ long to the force of public opinion, and will hand back the farm, as many men
 “ have already done, back to its rightful owner.”

My Lord, the only limitation that is to be found in that definition is fear of detection. Do not do this or that, if you should be detected, but it is safe to do a particular thing I tell you to do, because you cannot be punished for it. So I read this speech as being likely to be interpreted by those who heard it. If we do a thing in such a manner, that we cannot be detected in the doing of it, we shall be justified in doing it. That is no strained reading of that advice. It is so given by Mr. Dillon, and those who heard him I think would very likely guide their conduct by one who occupied so responsible a position as Mr. Dillon did.

My Lord, one other word or two of Mr. Dillon's on the 17th October. It is a speech that is reported at page 396 :—

“ Every townland must be canvassed carefully, and every farmer asked to
 “ join, and any man who breaks the rules of the Land League, and takes a farm
 “ from which a neighbour has been evicted, or who buys cattle or crops which
 “ have been seized for rent, or who has any dealings with a man who has taken a
 “ farm from which a neighbour has been evicted, that man you must not speak
 “ to, you must not buy from him, nor sell to him, nor have any dealings with him
 “ whatever, and before the month is out he will leave the country, and the farm
 “ vacant.”

Of course, we now have this system of boycotting fairly presented on high authority to the people who were intended to act upon the suggestions made to them. I am about to give your Lordship some instances of the way in which this advice was construed, and of the limitations that appear to have governed those who effected the boycotting, and I am afraid I shall give you some sad instances which will prove the truth of what Mr. Parnell himself said, namely, that the system that he had propounded had been sadly abused. You will recollect that this speech of the 19th of September was made by Mr. Parnell at Ennis and within three days, whilst the system had no name at the time when the directions to carry it into effect were given ; upon the 22nd I say the system was applied to a gentleman who stands, so far as the name of the system is concerned, sponsor for it (I mean Captain Boycott), and from that time the 22nd of September apparently we are enabled to give a name to the system, and we therefore have been dealing with it and shall deal with it under the name of boycotting.

I have had some difficulty in arranging for the purpose of presenting it to you the extent to which this boycotting has been carried. The difficulty that presents itself to me, of course, is first to keep within the order of time that I have been following, and I cannot do so in this instance because whilst I am dealing with the year 1880 I, of course, do not wish to go back to each subject, and I have, therefore, to deal with boycotting that has extended from the year 1880, sometimes increasing, happily now diminishing, up to the present time. I have greater facility in dealing with the subject of boycotting so as to place before you what boycotting was after the autumn of 1881, because you will recollect that in August 1881 the Land League became the owners of two newspapers, “ United Ireland ” and Mr. Pigott's paper, one being purchased and the other being newly brought into existence ; and from that time we have records of the extent to which resolutions were passed ordering boycotting and also many records of the manner in which boycotting was carried out. Prior to that time we have very little record to fall back upon, because for some reason or other (I put it hypothetically) if resolutions were passed by branch leagues directing that boycotting should be applied to an individual or to any class of people such records have not been forthcoming before your Lordship ; and, my Lord, therefore in earlier time we can only rely upon the oral evidence that has been given before you by different witnesses as to the boycotting of which they have knowledge. But your Lordships will find (and as I say I do not desire to particularly return to this question if I can avoid it) that as the time proceeded, and when the National League came into existence, this boycotting increased and was intensified. In later time there were 1,700 branches of the National League, and then it was, at a time when, as Mr. Dillon said, organisation shall be complete, and the necessity for speeches will be non-existent, that you will find that this system was reduced to a most scientific art. It was fashioned by experience and it was polished by all that ingenuity

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could devise, but I fear such greater action of boycotting is to be found in later time. At the same time, at these periods with which we are now dealing, this boycotting did come into existence in a very active and as I would suggest to you a very sad form.

I wish I could have accepted the definition of boycotting that Archbishop Walsh seemed to think was really what boycotting ought to be. At page 4267, that very reverend prelate said:—

“ I think the only sense in which boycotting can be tolerated, not to say
“ approved—even tolerated—is that which may be more properly given under the
“ name of exclusive dealing. I think that in certain cases that is a tolerable
“ proceeding on the part of the tenants within certain limits, but anything
“ beyond that—— ”

that is, exclusive dealing.

“ When it comes to intimidation, when any pressure is put upon people to
“ join a boycotting combination, and they are not allowed perfect freedom of
“ action in the matter, I think the process of the proceeding most reprehensible,
“ and I have always refused myself to use the word ‘ boycotting,’ though I know
“ it is commonly used in reference to these proceedings of which I have now
“ spoken.”

My Lord, I purposely refrain from dwelling much upon this question of “ exclusive dealing,” but anyone who suggests that the boycotting your Lordships have to deal with at all represents exclusive dealing must be steeped in a perfect ignorance of the evidence given before you. A man may say, I prefer men of a certain religion; a man may say, I prefer men of certain political views. I hope that the great majority of persons think that a very narrow-minded and odd view, or the way you should guide your conduct. But I admit there is no crime in that. There is nothing that probably would cause a person to say that it is even actually morally reprehensible. But this that we are dealing with is far, far away from that mere withdrawal of the conferring of benefits upon a man. I have to deal, I am sorry to say, with acts which amounted to injury—injury of a grievous character. Some witnesses have said here social intimidation is often worse than physical intimidation, but it is not only the treating of a man socially we have to deal with; we have to deal with those acts which carried to their fullest extent, depriving a man of the means of life, and therefore of life itself. We have to deal with acts as cruel and as vindictive as possible for any human being to devise.

Whilst I have read to you, and read to you with pleasure, the view that has been entertained by Archbishop Walsh, and which caused him to some extent to support the Land League agitation after that, as I believe he did—I presume he did—that boycotting had only been carried on to that extent. I have, on the other hand, to read another view of the extent to which boycotting may be carried—I have to read the view of a gentleman who had far greater, if not moral influence, a gentleman who had far greater active power of interference than the archbishop had—I mean Mr. Biggar. Mr. Biggar represented a large class, and an active class, in this agitation. I cannot recognise Mr. Biggar’s autobiography. I cannot recognise his description of himself as an indolent man. I would rather give him the credit of being a very active citizen, be that for good, or for evil. Mr. Biggar described his view, which is the view I presume he would inculcate upon others, and act up to. His view of boycotting is at page 4967.

A question was put to him:—

“ You say that the persons in the neighbourhood should cease to buy from
“ and sell him, and not to supply him with anything. For instance, the shop-
“ keepers in his neighbourhood must cease to supply him with the things that he
“ requires?—(A.) Exactly. (Q.) Does that include the necessaries of life or not?
“ —(A.) That includes everything, I believe.”

That is Mr. Biggar’s faith.

“ I believe in boycotting to every extent that does not mean physical violence.
“ (Q.) And approve of it?—(A.) And approve of it.”

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Of course, my Lord, if it is physical violence, it ceases to be boycotting, and becomes crime. Then lower down:—

“We have your speeches here, and your answer may save me trouble. You have often advocated boycotting?—(A.) I have.

That, I presume, is this boycotting, and not the Archbishop's.

“And boycotting to the extent which you have said to-day. You have never drawn any distinction between boycotting that deprives him of the necessities of life, and the boycotting which would deprive him of luxury?—(A.) Exactly.”

Now, my Lord, for this purpose we are dealing with, I am afraid, Mr. Biggar's view, is of much greater weight than that of the Archbishop. I am afraid that the boycotting intended by Mr. Biggar and others amounted to this; that apart from these acts that came to the very verge of physical violence, there was an advocating of conduct that would reduce any person to due subjection. And as Mr. Biggar says, when I put it to him, and he expressed his view of “freedom of action,” it was that you must boycott a man until he yielded. And if he did not choose to yield, he must leave the neighbourhood where he had been boycotted, and go to another place and to another people who would not subject him to that treatment. See what that view is if carried into effect! Some of the witnesses will not deal with him to the extent of deprivation of life; there was a class of them who frequently said that a person who was boycotted was not to obtain the necessities of life, as it were, their so doing showing the object of the boycotters. Persons who were boycotted may live in a neighbourhood where communication was easy, and possibly they may obtain the necessities of life. But they may live in remote districts, where there are no such means of communication, and where the persons were in a position that did not enable them to travel far and obtain their goods. And so alike within this definition, and alike within the proof that has been placed before you. This is physical action in effect. It is language which may not, when defined, be boycotting, the striking by a blow, and so inflicting hurt upon anybody, but it does mean that action which is physical action. Stopping the access of tradesmen with goods to a particular person's house, and so preventing him from obtaining any luxuries, but the very necessities of life, and thus bring him into subjection, and driving him to act as he otherwise would not act. What is that but binding a man hand and foot? That is reducing him to subjection, as much as you would reduce a city into subjection when you surround it, and when you prevented food entering to its people. You may effect that desire by assault, or you may effect it by besieging it and preventing access to it in the same way. Whilst the view I read to you from Mr. Dillon was, “do not act in such a way that you will bring yourself within penal law; do not act in such a way that you can be detected; in short, do all you can by the other means, the safer—it is not for me to say, the more cowardly means—but the safer means to bring a person to subjection, namely, by methods thought at that time not to be criminal, and which may not be capable of detection, but in some way bring the man who is your victim, bring him into subjection, so that he shall not live in a country where there ought to have been freedom of action allowed to the people, so that he shall not be able to carry his sworn wishes or his own views into effect.”

And so, my Lords, with these doctrines preached and taught, we have the effect. Although, as I have said, I have difficulty in arranging them in any order, and in giving them to you either in scheduled list—and I do not know how far your Lordships would wish me to refer you to the reference of each class of boycotting—yet I have here that which is proved throughout this case over and over again. In the first place, the person is boycotted when he takes a farm, whether the tenant has been justly or unjustly evicted. Whatever may be said as to some disagreement about the word “justly” evicted—whatever may have been the view of Mr. Parnell in entering into conflict with Mr. Gladstone in the House of Commons as to whether he used the term “justly” or not—those I have termed the rank and file did not care whether the evicted tenants' rent had been a just or an unjust one. The man who had taken the farm his neighbour had left was subject to the system of boycotting, and subjected as severely, whether the tenant had been justly or unjustly evicted. Nobody did work with him; nobody dealt with him; nobody associated with him; nobody would

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associate with anyone who was a member of his family; nobody would associate with anyone who taught his children; nobody would supply food to him; nobody would cut rushes for him; nobody shod horses for him. All these persons were subject to a primary and not to secondary boycotting. I should have thought there was an offence that would have found some mitigation in severity of punishment amongst some of these gentlemen; but it seemed to have been treated equally with the one who had taken an evicted farm. A person was boycotted even if he had brought stock to the farm, or who engaged in any capacity, as you will see in the instance I will give you. Anybody who supplied a coffin for the dead man's child or wife would be boycotted too. I wonder whether Mr. Parnell and Mr. Dillon meant that their creed was the creed of those who heard them. Yet those who heard these gentlemen thought that they were too active and zealous supporters alike to their cause, and were the disciples of their doctrine. A person seen with a grabber, or a servant speaking to a grabber, all these are to be treated in the way I have mentioned to you. There are some one or two instances, my Lord, that are worth noticing. When the grabber goes to church or chapel his family are boycotted, and he is boycotted also. Then even after the grabber had been murdered when acting in self-defence, his children are boycotted. One can scarcely refer to that tale as told by that young lady, Miss Curtin, and the way in which when they went to chapel after their father's death they were hooted, simply because their father had defended himself against the attack of the Moonlighter. We have it here also that children were not to speak to the children of a boycotted tenant. That children, speaking to the children of a tenant taking a farm, was to constitute an offence, and that boycotting was to be applied, you will find urged even in speeches. Then we have an instance, which is given at page 4463 and page 586. There is a magistrate, and an officer of the Land League appeals to him to go to attend the sessions, to decide in favour of a man. He is bidden to go as a judge to perform his judicial functions in one direction. He says he would rather stop away, and not go as a bidden judge, to give a bidden judgment; he is boycotted and boycotted most severely.

My Lords, I do not know how you can carry indirect liability further. We have an instance at page 4807, where a whole national school is boycotted, and the numbers reduced from upwards of 100 to 15, for this reason, that the relatives of an assistant master had given evidence against the criminal; and so because the relatives of one of the masters had given evidence against the criminal the national school is boycotted, and the children deprived of their education, and any person who had sent his children to that school which contained an assistant master whose relatives had given evidence would have been boycotted too.

Then, my Lords, it is proved over and over again that if any persons would not join the Land League, that is did not show that they were friends of the cause, they also were to be treated as enemies, and they too were to be punished; and then—I do not know that I need continue giving much more authority—your Lordships will recollect, I think, the case of a Mr. Fenton who had to travel more than 30 miles in order to obtain wood for a coffin to bury his father, and unsuccessfully. That is noticed in the press, with some satisfaction as far as I read it, in “United Ireland” of the 31st December at page 2203:—

“In the agrarian conflict dead men are not exempt from the penalties
“inflicted upon offences against neighbourly union and combination. One of
“the last funerals boycotted was that of an old man buried at Mill Street, County
“Cork, on Sunday.”

Then, my Lords, the instance I was referring to just now is to be found at page 4802. This appeared in the “Nation,” quoting from the “Leinster Leader”:—

“Incidents of the land war. A boycotted funeral. The ‘Leinster Leader’
“of Saturday last says:—The remains of Mr. Richard Fenton, of Buttersgrange,
“County Carlow, were interred at Deuad, County Wicklow, on last Monday.
“The coffin was carried on a military brake. Mr. Fenton, junior, could not
“procure a hearse though he tried every town within a circuit of thirty miles.
“He took the farm at Liscoleman, for which Mr. P. Toole, now a suspect in Naas,
“would not be accepted as the tenant. He was then boycotted. The funeral was
“guarded by police.”

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That, my Lords, is the funeral of the tenant farmer. Then, my Lords, while I have traced what the ingenuity of man can do, I did not believe the ingenuity of the fiend could surpass the instance that I am about to put to you. This is what is proved on page 2438. My Lords, there was a gentleman living near Dingle, a Mr. Fleming, and his wife was ill, and whilst she lay ill, before she was dead, these gentlemen who were pursuing the constitutional course, and acting upon the advice of their leaders, passed a resolution that when she died she should not be buried if they could help it. Your Lordships will see that proved at page 2438. My Lords, it was a resolution passed by a branch of the Land League, called the Ventry Land League. The resolution was sent by the Ventry branch to the Dingle branch, and was read at the Dingle branch. It is question 43,151:—

“What was it?—(A.) That as Mrs. Fleming was very bad, they did not know what day she would die, and not to supply timber or anything to make a coffin for her.”

That was published so as to come to the sorrowing husband's knowledge, and there was a similar resolution passed by the Dingle branch.

“(Q.) Did the lady die a few days afterwards?—(A.) Yes.”

Then he spoke of how the body had to be “kept,” as he terms it. They had to go a long distance to Killarney to get the wood to make this coffin. My Lords, we ask was ever freedom which is boasted of won in such a manner as this; could nationality ever have any truth or good in it springing from such methods and means as these men ostentatiously designed and ordered to be followed?

My Lords, I could go on and tell you of more; I have instances here under my hand which tell of sufferings the people went through. Your Lordships will not forget what that poor woman, Mrs. Connor, went through, a woman who has been correctly described in the House of Commons as being a woman of middle age—over 50 years of age—and as we know, her son fought in the Crimean war, so that we know what her age must have been. She told us her sufferings, and how she was deprived of the necessities of life. What was the use of telling that woman that she could go far afield, travel by railway and purchase goods at shops. There she was, because her son had committed some offence against the law of the Land League; she described her sufferings, how she lay in a miserable hut without her food, and your Lordships will recollect the account she gave to you—it is at page 1766—how, when in her suffering she went, as she naturally would, to her parish priest, and asked him, in her own language, for God's sake to take the ban off her, no visit was ever paid to her, and all the explanation Father White gave, and I will refer to it for his sake such as it is; but we have this woman, by the line that had been drawn around her by the will of this Land League, almost to her death wanting her food, and wanting the fuel that was denied to her.

Of course, my Lords, throughout this case we have presented to you list after list of instances of boycotting, they were the boycotting of people some of them who had offended, it was supposed, against the Land League, but when the necessity of punishing these offenders had passed away, and when they had been murdered, or when they had died, such must have been the vindictiveness of men that they continued the boycotting for the purpose of supporting a system, of showing the strength and the anger of the people against those who survived the men that were dead. They had to be boycotted and punished also; they had not offended with the exception that they were widows or children of the murdered men or the dead men; their offence was nothing, yet upon them fell this censure, and upon them fell this punishment, and fell with as much cruelty as if they had been the original offenders.

My Lords, I have eight cases here before me which represent the cases of widows or relatives of murdered men who had taken evicted farms, and who had incurred the displeasure of the Land League. There was the case of Dempsey given at page 505; Connor, page 507; Findlay, page 525; Doherty, page 549; Herbert, page 1099; Boyd, page 2793; that, my Lords, was the case of the father after the son's death; Curtin, page 917; Fitzmaurice, page 944.

Well, my Lords, so it is, that all that fell from Mr. Parnell on the 19th September, all that fell from Mr. Dillon on the 26th September, continued to bear its fruit, and,

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my Lords, I cannot acquit these gentlemen of having in the first place acted without intention, the intention of subduing every human being who would not agree to their policy. I cannot acquit them of having acted without knowledge. I cannot acquit them of having acted without being fully aware that they were applying this system, and were placing this system for execution into the hands of men who would be likely to abuse it, and would step over the narrow line dividing boycotting and outrage. My Lords, of course as I say the line that divides those two institutions, boycotting and outrage, is an undefined line, but this of a certainty you would effect by boycotting a man, you would show that he had incurred the censure of the Land League and had broken its law; you would then focus him and hold him up within the brightest light for the execration of those around him; you tie him to a target to be shot at, and you do so with the knowledge that there were those around him who would be likely to attack him, who had every sympathy with the motive for the attack, and would take every means to carry the attack into effect; and I say that the man who struck the blow, and the man who hands over another to be struck, bears the same responsibility and is guilty of the same crime. My Lords, is not this correct; it is said with a claim of merit that boycotting diminished crime instead of increased it, because by boycotting a man you made him yield, and therefore he did not meet his fate. That argument is very sound if your premise is sound that every man you boycott would have been outraged, and would have met his fate, but these men who were boycotted deserved no outrage, and if the population had been left alone they would never have been subjected to any outrage; you save them in your hypothesis from a fate which you create for them hypothetically. It was not the fate of these men until the Land League came into existence; it would never have been their fate if the population had been left without being unsettled; it would never have been their fate if they had not been marked out for the purpose of the outrage; and, my Lords, whilst it may be that if all these persons who spoke to a landgrabber, or rather associated with his children, or his relatives, would have been murdered and outraged under the new dispensation of the Land League, there would have been some force in the argument, but those who use it who imply this argument, must know that they created a state and condition of the people that first caused the danger of outrage, and they formulated the system that would render the person, as I have said, the very target and mark for the outrager. My Lords, I wish to go step by step; the people had instructions to boycott. That system was pointed out to them, and the only reservation made was that they were to be so cautious as to avoid detection. They were set to work under the instructions and authority of their leaders, and it is with the leaders I am principally dealing. Did the leaders know what was going on in respect to this system of boycotting as to other things. Ignorance cannot be pleaded here as an excuse; I shall have to deal with the knowledge of crime itself in a few moments, but Mr. Parnell and those who follow him cannot appear before your Lordships and say we did not know what was going on. They were bound to know what was going on. They had set the system afloat; they had told the people what to do; they had to see, having given that authority, how their agents acted. The principal cannot send forth his agent to act and then say I have nothing to do with all the acts he may commit; the principal must be bound to follow and know what his agent is doing; but I am dealing with no mere theory of liability or knowledge. Mr. Parnell is told, and information is given to him of what is going on.

My Lords, I call especial reference to knowledge that was conveyed to Mr. Parnell on the 28th January 1881. I hope, as I am going to refer to a speech made by Mr. Gladstone in the House of Commons, that your Lordships will allow me to repeat only what my learned friend, the Attorney-General, said, that we are not for one moment desiring to refer to Parliamentary speeches for the purpose of suggesting to you that what is there stated of course proves a fact; still less am I desirous for one moment to deal with any subject presenting a political aspect. Our whole object in placing before your Lordships these speeches that were made in Parliament was to prove that the facts there stated were called to the attention of those particularly concerned by the statements, and, my Lords, that very speech that I now refer to is a conspicuous instance of the justice of admitting such evidence, admitting it under the head, and upon the principle of notice. Mr. Parnell may have said in fact, though he cannot say so with propriety, or, as a matter of excuse, he cannot say, I really do not know what occurred; he did know. On the 28th January 1881, Mr. Gladstone

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made this speech and quoted in Mr. Parnell's presence the Ennis speech of Mr. Parnell. The question arose as to what exact words were used, as to whether it was justly or unjustly, and in Mr. Parnell's presence, who not infrequently interrupted Mr. Gladstone. Mr. Gladstone tells him of his speech, and of the danger of it. He quotes the speech, my Lords, for the purpose of endeavouring to trace crime, that was the object of the speech as you will find in the early part of it; he asks where does this crime come from? And then as an appropriate answer to the question he reads this speech, and so, my Lords, having read it, he then continued, and used those words which have been so often quoted. After having given statistics of crime following the Ennis speech he then proceeds (page 3324):—

“ So that with fatal and painful precision the steps of crime dogged the steps
 “ of the Land League, and it is not possible to get rid by any ingenuity of facts,
 “ such as I have stated, by vague and general complaints, by imputations against
 “ parties, imputations against England, imputations against Governments. You
 “ must meet them and confute them, if you can.”

That was spoken in Mr. Parnell's presence. At a later date another warning was given to him. Again the matter arose in the month of May 1882. My Lords, I particularly wish to guard myself against it being supposed, as it is most repugnant to me, that I am reading these words because they were the words of Mr. Gladstone, or because the way of dealing with this question may have a tinge of political opinion in connexion with it. If these words had been spoken by anybody else in the House of Commons, apart from the personal weight to be given to the words as coming from Mr. Gladstone, it would be the same. It is the notice given to Mr. Parnell, and what he is told is that boycotting had now reached a point where in fact it produced crime, and this is what is said:—

“ This process called ‘boycotting’ is according to the hon. member, a legiti-
 “ mate and proper process. What is meant by ‘boycotting’? In the first place,
 “ it is combined intimidation. In the second place, it is combined intimidation
 “ made use of for the purpose of destroying the private liberty of choice by fear
 “ of ruin and starvation. In the third place, that being what ‘boycotting’ is in
 “ itself, we must look to this, that the creed of ‘boycotting,’ like every other
 “ creed, requires a sanction,”

I believe, my Lords, that is Jeremy Bentham's statement originally,

“ and the sanction of ‘boycotting,’ that which stands in the rear of ‘boycotting,’
 “ and by which alone ‘boycotting’ can in the long run be made thoroughly
 “ effective, is the murder which is not to be denounced.”

That is called to Mr. Parnell's attention, and how did Mr. Parnell meet it? The speech I have just read to you is on the 24th May 1882. On the 25th May Mr. Parnell made a reply to Mr. Gladstone's suggestion as to the extent boycotting had been carried to, and to the nature of the sanction that was behind it, and speaking of this on the 25th May Mr. Parnell says, referring to his speech at Ennis:—

“ I then recommended, for the first time, what has been thoroughly described
 “ as the practice of ‘boycotting.’ In that speech I recommended that persons
 “ who took farms from which other tenants had been unjustly evicted—I believe
 “ there was some difference between the Government and myself as to whether
 “ I used the word ‘unjustly’ or not, but whether I used it or not I intended to
 “ have used it, and I used it in subsequent speeches—that persons who took
 “ farms from which other tenants had been unjustly evicted should be isolated
 “ and placed in a species of moral ‘Coventry,’ and I used the expression that
 “ they should be left ‘severely alone.’”

Now, will your Lordships kindly remark these words:—

“ I desire, Mr. Speaker, to admit to the fullest extent that the practice of
 “ boycotting, which grew up subsequently to that speech, has been very much
 “ abused. It has been used, not only against persons who robbed their neigh-
 “ bours by taking their holdings from them after they had been unjustly evicted—
 “ robbed them of their tenant right, which had not then been conferred by

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“ law—but which has since been recognized and conferred by law—but it has
“ been used against persons who refused to join the Land League, who refused to
“ illuminate their houses, and who refused to subscribe to various popular move-
“ ments. It has been used in a variety of other ways which merit the severity
“ of the most stringent condemnation.”

My Lords, it is in reading these words, and especially in relation to what I am about to say, that I think it is but just that we should bear in mind that when those words were spoken in May 1882, that from a day in the middle of October 1881, Mr. Parnell had not been a free agent. That, I think, must be admitted before we give effect to those words, but, my Lords, making allowance for that fact, Mr. Parnell had been a free agent from September 20th, 1880, till the 15th October 1881. This boycotting had been as severe and cruel during that period, I believe, as at any period. When was it this abuse had taken place? It had been abused according to the term of Mr. Parnell from first to last. If that was Mr. Parnell's knowledge, what did he do to stop it? What did he do to alter the action of the men who had been so violating, according to his account, his intentions, and who had been so acting beyond the area of that defined limit?

My Lords, subsequently to Mr. Parnell's arrest, I can find no act of Mr. Parnell's dealing or interfering with the exercise of this boycotting action. As I have often had to guard myself, I say there may be such acts to be traced here or there, I can only apply to this immense mass of matter before your Lordships such limited opportunity as time affords, and trace each and every matter out. I shall be glad to be corrected, and if there is something of a negative character that it should be pointed out to me, but my belief is that before October 1881, and before the 6th May 1882, Mr. Parnell had not endeavoured to exercise that vast overpowering influence which he held in Ireland, and he had done nothing to save the victims of this excessive boycotting. He has left them to their fate, and has been following other engagements and other pursuits with a knowledge at least at this time that these things were continuing to be effected against the peace of his people. He has allowed them to pass, as if they were matters of no concern to him, forgetting that it was by virtue of his authority the system ever received the sanction, and that it was by his initiation that these proceedings ever came into effect.

My Lords, we have other matter, when we consider how dangerous that system was, and how dangerous it must have been, I think, to the knowledge of Mr. Parnell. I have mentioned the danger resulting from the state of the people at this time. It was a danger that was known to everyone who mingled with the people. Figurative expressions have been used, and it has been said that a barrel of gunpowder was there, and the agitators who brought a light near it were responsible for any danger that resulted from it. It is a very commonplace figure, but I do not know that it is any the less expressive.

My Lords, there were those who took that view. Let me give an instance of what I mean. In his evidence at page 5696, this question is put to Mr. Davitt.”

“ I must call your attention, if you please, to one or two matters in connexion
“ with this question of land-grabbing. You had yourself denounced land-grabbers
“ as being traitors, had you not in public?—Well, I think so. I think in a few
“ speeches I spoke generally of land-grabbers in strong language, but I never in
“ my life, I think mentioned the name of a single individual in connexion with
“ land-grabbing. I cannot recollect, I may have, and if I did so, I should be very
“ sorry for it.”

My Lords, I have no doubt Mr. Davitt spoke exactly what was in his mind, but why did Mr. Davitt think it wrong to mention a land-grabber? Why would he have been sorry for it? It must have been because he would not have felt himself justified in pointing out that man, he would not have thought himself justified in bearing the responsibility of focussing that man so that public opinion should fall upon him. Mr. Davitt's view was, and I am certain is, that the land-grabber should be condemned as a man unworthy, but yet with all his desire to condemn him, with all his desire that his acts should not be passed unnoticed by men, Mr. Davitt would be sorry to name him, because in so doing he would be held up to public opinion, in that dangerous state of circumstances, that the man would be placed in a position of jeopardy and danger; and Mr. Davitt rightly enough would be unwilling to take the responsibility

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of holding a fellow man up to danger. That is Mr. Davitt's view, that is the danger which he sought to avert. What did boycotting do? As certain as the mark was made upon the door post, the victim was pointed out by that focussing process by which the organised system by the resolutions of the Land League, or by this very action of individual opinion; that mark was placed there upon this man, and there he stood liable to the attack of all these combinations of young men at the hour of night. There he stood as one who was a fitting object for public action, and for public punishment, and he became thereby imperilled in his existence, and imperilled in his place by this system of boycotting, which in an individual was held to be unjustifiable, and is held to be a dangerous act less it should produce a criminal result.

My Lords, Mr. Davitt does not stand alone in his view of the matter. One of whom I shall have to speak in a few minutes, shared apparently something of the same view as that entertained by Mr. Davitt in respect of these transaction, I mean Mr. Matthew Harris; he entertained somewhat the same view as Mr. Davitt. My Lords, it is true that he puts the time when it would be dangerous to name a man somewhat later; still that time did come. I think Mr. Harris is wrong as to the dates, but the fact is correct. At page 6088, Mr. Harris is being cross-examined, and he is asked this question:—

“(Q.) At the time we are now speaking of, September 1880, was the state of
 “ your country such that it was, in your opinion, safe to denounce people by
 “ name?—(A.) Quite safe. (Q.) I will not argue with you, but we have Mr.
 “ Davitt's evidence. You thought it quite safe to denounce people by name?—
 “ (A.) Yes. (Q.) Was there any time or period when it would not be safe to
 “ denounce people by name?—(A.) Yes. (Q.) When would that period come
 “ into existence?—(A.) That period would come into existence in 1882.”

That is the time he mentions. I say I think it was late. He certainly had been naming people before that in 1881, as I shall show your Lordships, but his view was that it was safe at that time:—

“Let me see, perhaps in the latter end of 1881. When outrages commenced
 “ then it would be dangerous.”

There might be a little confusion as to the time, but we now get to 1881, when it was dangerous to designate persons by name, and it was really at the time when the outrages commenced. That, my Lords, is an unfixed period according to men's opinion, the view we present is that the outrages commenced before the end of 1881, but whenever the outrages commenced it was unsafe to designate persons by name, that is my observation. I ought to read a little further on:—

“(Q.) Does that answer apply to your district or to all the places in which
 “ you spoke?—(A.) It applies to all the places in which I spoke. (Q.) Is it
 “ your view that up to the end of 1881 looking at the crime which was going on?
 “ —(A.) No, not in the beginning of 1881. (Q.) I beg your pardon?—
 “ (A.) The beginning of 1881. Up to about the time of March 1881. I think
 “ up to Mr. Forster's Act. If Mr. Forster's Act had not been passed we would
 “ have kept crime under. We have statistics in support of your statement.
 “ (Q.) That is your view now?—(A.) That is my view now.”

And so, my Lords, whether the cause be the passing of the Supervision of the Habeas Corpus Act or not, we have it now according to Mr. Matthew Harris' view, that from the beginning of 1881, it was unsafe to denounce a man by name, outrages having commenced. Of course the reason being that that man would be subject to outrage. Well, my Lords, is it not now strange, that those very men who thought it was unsafe to mention persons by name, lest they should be outraged, are the strong supporters of the system of boycotting, which did more good to the individual authority of one speaker in the denunciation of a man, and which held him up to public opprobrium upon the responsibility of an association or a neighbourhood, thereby marking him out as a certain target to the attack of anybody who was willing to commit crime.

I think now, my Lords, that I have dealt with this part of this case. I pass I am glad to say from the subject of boycotting for a time altogether, and I have to deal very briefly now with one of the alleged causes of crime, alleged by Mr. Parnell and

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by my learned friend Sir Charles Russell. When I say "alleged causes for crime," I mean the cause that reduced the condition of opinion, and formed the motive of action, connected with the circumstances we are now inquiring into. The subject I refer to, is the rejection of the Compensation for Disturbance Bill. If my memory be right, my Lord, that Bill was rejected the 3rd August 1880, and you will recollect it was put both by my friend, and by Mr. Parnell, to your Lordships, that the rejection of that Bill caused very much excitement in Ireland. That after its rejection the Land League spread like wild fire. Well, it may have had some little effect, but I fancy it had very slight effect indeed. Mr. Parnell's view was that when rejected it was of very little value. He so says at page 370. Of course that may be that in consequence of the result of Parliamentary agitation in committee, that the Bill at the time of its rejection was of very little value indeed. I think, however, some of Mr. Parnell's colleagues were rather exultant over that rejection. Of course if the object, I mean at that time, had been to soothe Ireland, and render it quiescent, they might regret the failure of beneficent legislation. But if they were the men who wished to keep Ireland in a state of unsettlement, who wished to have topics they could urge upon the dormant passions of the men they sought to arouse, everything that showed an absence of the agents for quietude would be satisfactory to them. So there were two men who at that time were taking a most active part in the process I am referring to of unsettlement, namely, Mr. Brennan and Mr. Dillon, who expressed their views upon the subject. You will recollect we are dealing with the time of this rejection, when Mr. Davitt was in America, when the action of the League was under the control of Mr. Egan and Mr. Brennan, and when Mr. Dillon was a very active agent, no doubt, in support of the League principles.

My Lords, there are very few references made to this Bill, or the rejection of this Bill, which is said to have caused so much inflammation in Irish opinion. Mr. Brennan speaks of it in a speech he made on the 8th August, a speech reported at page 330 in the speeches. Mr. Brennan, speaking on the 8th August in Roscommon, said:—

"Yes, as my friend remarks, within the last few days the aristocratic assembly by which Mr. Frank Hugh O'Donnell is so enamoured, has thrown out the Compensation for Disturbance Bill, introduced by Mr. Forster. I think we ought to be very much obliged to these worthy citizens, and I do not know whether we will pass a vote of thanks to them here to-day. Hereditary statesmen are not always remarkable for their precision, but certainly I did not imagine that their Lordships would play so directly into our hands; for every action of this kind but raise the people, and I have no doubt but that these gentlemen have created a flame for the destruction of their political and social power."

And so, my Lords, if it be that there is foundation for saying that the rejection of this Bill did rouse the people to some extent, that fact must be taken subject also to that which is here admitted, that advantage was taken on such result. And that these gentlemen who were then actively supporting the Land League used the fact for the purpose of carrying their views into effect, their views—their ultimate views at least—not being at that time, the benefit to the Irish tenant, but the political object, namely, first to destroy landlordism, and then to obtain separation.

Then, my Lords, there is one other speech of Mr. Dillon, and that speech is reported at page 194 of the speeches. That speech was made on the 15th August 1880, when Mr. Dillon said:—

"A great deal has been said about the House of Lords having rejected the Compensation for Disturbance Bill, but I assert that the Irish people ought to be thankful to the House of Lords if they only knew how to take advantage of them. The House of Lords have taught the people that no good can come out of London to Ireland, so that until the Irish people are banded together in an organization fitted to fight and win the battle for themselves, they cannot expect justice or fair play from any English Parliament. In that sense the House of Lords have done good service to the people, because they have thrown out a Bill that was no good to the people. I could tell the noble Lords whom I heard the other night denouncing the irresponsible Celtic agitators, that such as they disliked the Compensation for Disturbance Bill, before another year

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“ goes by they will find themselves compelled to accept a Bill they will dislike
 “ much more. I say here before high heaven, that unless you organise and show
 “ to Parliament what they are showing you, you will never get even the miserable
 “ Compensation for Disturbance Bill.”

Now, my Lords, I have searched—or have had searched probably will be the more correct description of my actions—all the speeches that were delivered at that time, that you have had in evidence before you, to see how often this Bill was referred to. And I think I am right in saying that it was referred to eight times only—it is either eight or nine—I think it is nine times, with the exception of Mr. Boyton and Mr. Brennan, whose speeches I have read. It is referred to only very slightly. It is not placed before anybody as a very important matter. It is as a fact referred to by Mr. Parnell at New Ross on the 26th September 1880. But the other references to it are scarcely important at all. He says, then, at page 430 of the speeches:—

“ But I should wish to give you some practical advice very shortly upon
 “ the necessity which exists in this and neighbouring counties for organisation
 “ amongst the tenant farmers themselves. When the Compensation for Disturb-
 “ ance Bill was brought forward last session in the House of Commons, the
 “ counties—the people of which I am now addressing—the four counties of
 “ Waterford, Wexford, Kilkenny, and Carlow were excluded, with the exception
 “ of a small portion of the county of Waterford.”

They were counties to the east of that line drawn upon the map.

“ Mayo—the whole of the county of Mayo was included in that Bill; the
 “ whole of the county of Galway, and many other parts of Ireland were included
 “ in that Bill, but you were left out. Now, why were you left out? It was
 “ because you had not raised your voices, because you had not organised your-
 “ selves, and shown the determination and the power of the thousands of people
 “ who live in these counties. But I think that after to-day, and after the
 “ practical work that it will be our duty to see follows the proceedings of to-day,
 “ there will be no fear that the people of these counties will be left out of the
 “ coming Laod Bill.”

Although there are references of that kind to the Bill, the rejection of it was never seen to have been dwelt upon as a matter of grave importance, and that was not the secret why this agitation spread like wild-fire.

Now, I think, I can show you how it was that it did come to spread like wild-fire. I think the key to the matter will be found by referring to the gentleman to whom I have to refer, for he has thrown a considerable light upon matters in this inquiry. I refer to a speech made by Mr. Matthew Harris, page 343 of the speeches. It is a speech made, my Lords, on the 17th October 1880, at Kiltoom. This is the explanation Mr. Matthew Harris gave:—

“ Therefore, I say to you, that when you hear agitators denounced, when we
 “ found reason and argument was of no avail, and we found it necessary to appeal
 “ to the passions of the people, to tell them how they were rack-rented by land-
 “ lords, how they were exterminated by landlords, and tell them all the evils that
 “ could rouse up the passions and the manhood of the country.”

My Lords, that term is well known.

“ When we found reason could not avail, we turned to the manhood of the
 “ country, and it is to the manhood of the country we appeal to-day. Do you
 “ think by talking about coercive measures they can frighten the leaders. I tell
 “ the Government from this platform they do not know their men. I can tell
 “ them further, a spirit of manliness, a spirit of independence prevails among the
 “ people of Ireland that cannot be cowed down by the threat of months or years
 “ of imprisonment. Prior to this great movement there was a greater movement
 “ carried out by the democracy for the liberation of the country, and the spirit of
 “ knowledge that movement inspired, which spread itself under the guidance of
 “ James Stephens, that spirit which pervades our country, and is instilled into the
 “ minds of the people, renders them entirely reckless of Government threats in
 “ this small measure of land reform.”

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Now, my Lord, that is Mr. Matthew Harris, who I shall suggest to you in another particular has more knowledge of what is occurring than many of the leaders who took a more conspicuous part in this transaction. Mr. Harris at this time is speaking of the manhood of the country being appealed to. What did that mean? The Irish Republican Brotherhood, the Fenians, were in line, armed, and only waiting. As we know from Mr. Harris's own statement, the arms were in the hands of Mr. Dillon's legions, the young men of the country, and then when he appealed to the manhood of the country every person understood that the appeal was not to the constitutional action of parliamentary forces, but the appeal was to the young men whom Mr. Dillon had at that time been inciting. And so, it being necessary to appeal to these passions, the first step is taken by appointing organisers for the purpose of rousing the dormant passions. The organisers that were appointed have to be noted. There were four—Sheridan, or rather, my Lord, I put Mr. Harris first, as I have just referred to him, Sheridan, Boyton, and O'Kelly. We find at page 3908 that Mr. Davitt is answerable for the appointment of Boyton. I do not find evidence that Mr. Boyton was ever a member of the Fenian Brotherhood. We have that proved in Mr. Parnell's evidence, page 3908, but, as I say, I do not know that Mr. Boyton was ever a member of the Fenian Brotherhood. There is no evidence of that. He was nominated and recommended by Mr. Davitt, whose views I presume he shared. The other three organisers, Mr. Harris, Mr. O'Kelly, and Sheridan had been active members of the Irish Republican Brotherhood. Mr. Harris at that very time was a member of the supreme council. He did not cease to be such member until December of that year. We know the part Mr. O'Kelly took in connexion with the Fenians, associating with Mr. Davitt before Mr. Davitt ceased to take active part in affairs during the time that he was absent from them. We know from his coming over to Ireland in the end of 1879 for the purpose of introducing arms from America with money given to him by the Clan-na-Gael for that purpose. We know, and as this matter is further investigated we shall know more who Mr. Sheridan was; so with the view that Mr. Harris has expressed himself, these organisers went to work to rouse the dormant passions of the people; and here again, if I am not quoting too often, I may use Mr. Davitt's words, "to keep Ireland in a state of unsettlement." And well they did their work.

My Lords, I am about first to refer to a speech or two made by Mr. Harris, and as I am going to throw responsibility upon him, I cannot do other than make one or two general references to Mr. Matthew Harris. I do not know from whom my learned friend, Sir Charles Russell, received his instructions, but your Lordships will recollect that as it were in advance of the evidence Mr. Harris had to give, my learned friend thought it right to express to you his opinion of Mr. Harris. And in the course of my learned friend's speech, at page 3794, he thus describes him. He said:—

"Mr. Matthew Harris is now an old man. I do not know that intellectually he ever was a very strong man; he undoubtedly had been connected long ago with the Fenian movement, and the principal accusation against him is in relation to three speeches, I think, which he made. The one is a speech known as the Partridge speech, delivered in Galway on the 24th October 1880, as to which it was alleged that Mr. Parnell was present at it, and it is put as an accusation against Mr. Parnell."

Now, my Lord, the way therefore my friend was endeavouring to deal with Mr. Harris was to represent that he was not intellectually a very strong man, and therefore that there should not be any great attention paid to anything that Mr. Harris said. Well, when he said that attention was called to it, and my friend thought it necessary to make what I presumed was intended to be some kind of qualification of what he had said about Mr. Harris; and at page 3823, the next day of the sitting of this Commission, my friend desired to make a correction, and he says:—

"I made a statement that Mr. Matthew Harris was not a gentleman who at any time might be considered as intellectually a very strong gentleman."

He does not withdraw that, but he says:—

"I am told that in recent years, owing to a recent illness he has had, his faculties have been somewhat impaired."

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Whether that included the year 1880 or not does not appear.

“ But at one time he was a man of considerable, not to say remarkable ability, considering his education and absence of facilities in life. His friends, perhaps, might be hurt if I had not made that correction.”

That was the view that Sir Charles Russell, upon instructions from his client I presume, presented to you in relation to Mr. Matthew Harris.

Well, my Lord, of course I knew nothing of Mr. Harris, or very little except that view of my friend Sir Charles Russell. But Mr. Matthew Harris came into that witness-box, and though I cannot tell how far anything I may say may meet your Lordships' sanction, but some of us, when we saw Mr. Matthew Harris, an old man now, suffering from illness, standing in that witness-box—may I use the term bravely—giving his evidence; when we heard him express his views as he did; when we read his writings, my Lords, some of us thought that the views expressed by Sir Charles Russell never could have been the views of a man who knew him. I am sure Mr. Harris or his friends would not object to me referring to the fact that his life has not been a life of much opportunity or of advantage for acquiring knowledge, yet when we heard him express himself as he did, and when he read that, which I thought, beautiful composition, the speech he was intending to deliver over the grave of a dead Fenian, my Lord, there were some of us who thought at least he must have been a man of rare ability, that he must have been a man who was endowed with a manner of thought and a power of expression that the truest thinking man and even the most polished scholar might envy, and they would regard him as a man possessing singular faculties and singular power of expression. My Lord, I say he stood before us and gave his evidence in a way I thought would have brought, perhaps sympathetic feeling towards him, and it was with some such feeling that I have been trying to find excuse for what Mr. Harris said. I would if I could, looking at that man's position and his condition now, I would have liked to have spoken words of kindness of him. But, my Lord, think of him as we may and speak of him as we may, here are the words that he spoke, and here are the words that he intentionally placed before the men whose weakness he endeavoured to influence. Think as we will, and wish as we will of Mr. Harris, I regret we can come to no other conclusion than that the words he used were words of a most dangerous character and proceeded from one of those methods of thought which were not prominently conveyed to you, but which yet perhaps indifferently found expression from Mr. Matthew Harris.

My Lord, I have referred that particular saying of Mr. Harris. I am referring to evidence he gave in this witness-box. Mr. Harris has shown himself to be a man of very strong opinions and capable of acting upon them. He had given some evidence in very powerful language. He supposes there had been expenditure on his farm, and then he puts this case at p. 6093 :—

“ Supposing after my father had expended 500*l.* or 600*l.* on his place, that
“ landlord came to me and said, as he could have done if he had been a bad
“ man, ‘ You must go out of this, I demand this farm, it is mine.’ Well, it was
“ his farm according to law, but according to equity my interest was very large
“ in the farm. Still, if he did so, I would walk out of the door without com-
“ mitting any damage against the man. But if I, with my large family, had
“ nothing to depend upon but that farm, and if nothing remained for me only to
“ go into the workhouse and be separated from my wife and children, to rot
“ there with the ban of paupers upon us, certainly, I think, if I know myself, I
“ would resist my eviction; I would stand at my cabin door, and as far as I
“ could go I would defend my home and my family. This is the extreme
“ condition that I was alluding to at the time I made use of those expressions,
“ A man is very often in a very difficult position in public movements.”

Then your Lordship says :—

“ Of course I am listening to all you say with great attention; when you say
“ defend your home, and so forth, you had commenced your observations about
“ shooting down landlords?—(A.) Yes.

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Said Mr. Harris, now speaking very frankly to you :—

“ I would take my gun in my hand, and if every landlord in the land come in one after another, and came to turn me and my family out of my house, I would shoot them all down, if I were able to.”

Well, my Lord, Mr. Matthew Harris is speaking now with mature views affecting him. He was speaking in the witness-box with a full sense of the effect of his words. He was speaking before your Lordships and to the President, who had himself placed this question before him. He now conveys this manner of thought, under such circumstances of restraint. He conveys to you, that if even in obedience to the law, be it good or bad, such process were issued against him, he would shoot down landlords, every one of them; he would shoot them down, as he says, believing, I presume, that he had justification for so doing. My Lords, if that be Mr. Harris's mode of thought, if such be the expression he thinks right to make use of before this tribunal, can we not think what in Mr. Harris's younger days, not only his thoughts, not quite so tempered as they are now, might have been, but what he would say to men whose passions he was seeking to rouse. My Lords, your judgment he was seeking to allay. What different mode of expression he would use to you from that which he would use to the young men of the country, to the manhood of the country he was appealing to, when he believed it was justifiable, or at least he would justify himself in shooting down every landlord, if he were able to; and when he was telling those young men, who had the same right as he had to act upon their judgment, when guided by one whom they would follow, when he was telling them, as unfortunately we shall see he did tell them, that their action might be action certainly of an extreme character against that race, hated by Mr. Harris, and a race that he was holding up to those young men as a race that ought to be hated by them.

My Lord, I say I have tried to find excuse for some of Mr. Harris's speeches, and I wish I could find full excuse, but at any rate I will place before you Mr. Harris' own excuse. The special speech we have often had reference to, and which I only refer to now so that there shall be something approaching completeness in my narrative, is that speech which is reported at page 343. It was made on October 24th at Galway. I think the extract I read to Mr. Harris in cross-examination at page 6091 gives accurately the objectionable part of that speech. It is exactly following out the view Mr. Harris expressed in the witness-box when he said :—

“ And when I see this extermination, and when I see the weakness of our people, and when I see tyranny triumphing over right and justice, and when I see my fellow countrymen driven to the four winds of heaven, I say to myself, and I say it here to-day, that if the tenant farmers of Ireland shoot down landlords as partridges are shot in the month of September, that Matt Harris never would say one word against them.”

That is not much more—it is a little, but not much more than he said to your Lordships. Those were his views. Of course there he spoke of himself, but he used these words. Mr. Harris' view was that he did use them. Now, of course, if the matter remained there, and looking at what I should suppose would be Mr. Matthew Harris' just influence amongst those who were of his own class, with whom he was associated, and amongst whom he must have been a most prominent figure, one that would have influence over them and be able to direct them and guide them, of course the results would have been most disastrous. You will recollect we are dealing with a time that had been full of importance as to crime. This month of October was the commencement of those sad three months of the spread of the wildfire and of the increase of the crime. Here was such language as this used. As I say, note must be taken that this language was extreme and was such a direct incitement to crime, a direct bidding to shoot landlords down like partridges that, of course, it did not escape the notice of any one; and at that very time Mr. Tierney, who was the chairman, interfered and he at once objected to such language being used. Now, my Lord, being so called to order very strongly, Mr. Harris does say this :—

“ I think it right to explain that I did not utter one word in favour of shooting landlords.”

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I think Mr. Harris had done so, but he says that:—

“ What I said was simply this, that at a former period I went at the risk of my life to prevent the sort of thing, but that, from my experience up to the present, I could hardly say that I was doing either good or evil when I was doing so; and what I said was simply this, that if they were shot I should no longer do as I did in former times, come forward to denounce the men who were guilty of shooting them.”

Well, my Lord, if that is not saying anything in favour of shooting landlords that is giving it that amount of sanction and acquiescence, the silence and acquiescence of Mr. Harris in his powerful position, that if the landlord was shot, and he knew the person who shot him, he would at least do nothing to bring that person to justice. Of course, the reason for his so acquiescing and being silent was a reason of approval:—

“ I think I made myself as clear on this point as it is possible; and I would be very sorry indeed that my friend, Mr. Tierney, or any other gentleman, should misapprehend me, because there are very few men more opposed to shedding of blood than I am, not alone of landlords, but even of the lower animals.”

Well, my Lord, one cannot see anything, I think, that is amusing in this statement, but the subject is a very sad one to raise a smile. Mr. Harris would simply treat a landlord as he would a sheep or cow slaughtered for human food. He does not like to see blood taken, be it human blood or that of an animal. He puts them all on the same level. He says I object to landlords; but I do not like any blood, be it partridge or rabbit, or be it any animal being taken; but no higher does he put his objection. I at the time thought it right to Mr. Harris that we should not wait till we came in the order of county, for a speech of explanation. It is a week after that, at a place in Roscommon, Loughglinn, on the 31st October. Mr. Harris makes another qualification of this speech. I think it occurred in Mr. Harris' evidence. When we read between the lines attention had been called to this speech.

At page 6092 I called Mr. Harris's attention to it, and I think his view was, or at any rate I think we may take it, public attention had been called to the nature of the speech. So we may take it Mr. Harris takes the opportunity he has, being still an organiser on the part of the League, to give this qualification. He refers to it as I thought. He refers to the public reference:—

“ At that great meeting I made use of an expression which perhaps I should not have made use of, but I was misunderstood as regards the meaning which I myself attached to that expression, and the late Attorney-General, Mr. Gibson, and very many of the English papers have taken advantage of that expression, and have used it in order to bring opprobrium upon the cause of the tenant farmers. After using that expression the chairman of our meeting remarked upon it, and I was happy to seize upon the occasion in order to say, and I request that the gentlemen of the press will put down my words here now in order to state that not only was I opposed to the shedding of human blood, but I was actually opposed in feeling to the shedding of blood, even of the lower animals. No man could make a clearer or a fairer recantation than that was.”

Well, my Lord, I must leave others to judge:—

“ Gentlemen, the expression I made use of was this. I said, after giving an account of the endeavours that I had made in 1843 and 1844, to put down agrarian crime, I had before my mind the honest endeavours that I myself, and that the great Liberal party and the priesthood at that time had made, to put down agrarian crime in Ireland; and I had also before my mind the exterminators who came in after we had succeeded, and who used the state of peace and harmony which we were striving to induce in order to exterminate millions of the people. When I spoke I had this matter before my mind, and I confess here before you to-day that the expressions I made use of were liable to misinterpretation, for I say, gentlemen, that if landlords”—

(I am reading it exactly as it is)—

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“ that I never would again do what I had done in the past ”—
(exactly the same policy)—

“ and I was unhappy in stating that if landlords were shot down like partridges
“ in September, I should not interfere to save them. Well, now, gentlemen, that
“ was a strong statement, and it was a wrong statement, for it would be the duty
“ of me and of every other good citizen, in case the people were to turn round in
“ an inhuman or a merciless way for to exterminate or shoot down landlords, and
“ I say my expressions were open to that interpretation, I say it would be an
“ inhuman and unmanly thing for either me or anybody else to stand up and
“ allow such acts to be committed. But, gentlemen, my interpretation of it was
“ this. I said I had in my mind the idea of the exterminator, who is inhuman
“ to apparently thousands of people on the one hand, and I had also in my mind
“ the poor victim here striving to defend himself against that exterminator, and
“ I said myself that I would not tie down the hands of the one and allow the
“ other to do his work of extermination and crime.”

(and there were loud cheers).

“ And perhaps I should not, I know I should not, have used the expressions I
“ did use, because an excited people, perhaps a people labouring under grievous
“ oppression, may misinterpret what I say, and I take this opportunity to tell you
“ now, my friends, that honestly in my mind I believe that the crime of murder,
“ if attached to our cause, would bring the wrath of God down upon it.”

Now, I have read the whole of that explanation of Mr. Harris, and I have gladly read it. But really I am afraid he still had reservation in his mind, which he conveyed to those who heard him, that what he was objecting to in the first place was the taking of the blood of animal life at all; and, secondly, he was conveying that he would not, as between the exterminator and the victim, tie down the hands of the victim, and (I almost hope I am wrong) it is possible that the explanation which Mr. Harris gave was simply in accordance with the view he expressed in this witness box, and that it was a retractation which proceeded more from the policy of the matter than his objection to carry out the principle he had laid down, namely, of his right and intention to attack the landlord who was the evictor as against the tenant. I would gladly, as I say, have accepted to the fullest extent this explanation of Mr. Harris if it had not been that at this time, on a similar occasion, Mr. Harris was using very similar language. My Lord, there is a speech of Mr. Harris' which is proved at page 6090, which was spoken rather earlier, but it was on the eve of his becoming this paid organiser. It is September 19th at Riversville. It is a speech that I do not think would do other than produce the effect Mr. Harris says is to be regretted, namely, of unduly rousing the feelings of his audience. He says, after speaking of Lord Dunsandle:—

“ In the Presidency of Bengal, when what they call a ‘man-eater,’ one of the
“ fiercest of the tiger species, put his appearance in, the whole of the villagers
“ around are in a state of alarm. The tiger, they do not know when he may
“ devour some of them, and they all come together and make great exertions
“ to drive him from the locality in which he is. So it should be with a bad
“ landlord, his agent, or bailiff; when he comes into a district to oppress and
“ grind them, to put people out of their peaceable homes, you should all
“ congregate together, as people do in Bengal, and drive that worst of tigers from
“ your midst.”

That, I think, certainly so far as the tiger is concerned, which was not quite figurative, must be a physical process, and it would also be a physical process in relation to the landlord. It is certainly one of those speeches which I should think, spoken with Mr. Harris's power and influence, would have suggested to his hearers that there was to be some physical step taken.

Now, my Lord, we have another speech which was spoken later, at a time when Mr. Harris was organiser, namely, upon the 17th October at Kiltoom. It is reported at page 345 of the speeches.

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Your Lordship will recollect we are coming to that time when even in Mr. Harris' opinion it was dangerous to name persons by name, that is whenever the outrages began. In October there were many many outrages. Mr. Harris says this :—

“ Now I say that a man who would bring a poor man's cat and dog to kill
 “ before his door, would not think very much of going a little further and killing
 “ the poor man himself. And when you hear so much said about agrarian crime,
 “ you should remember for the one crime committed by the tenant in striking
 “ down such a tyrant as Danville; there are a thousand crimes committed by the
 “ landlords in their oppression of the poor. After Sir Charles, who came in his
 “ place? An English hatter, Mr. Wakeman. Surely I may apply to Mr. Wake-
 “ man the old proverb, out of the frying pan into the fire. Mr. Wakeman, like a
 “ wise tyrant as he is, for I will not call him a man, he looks through the whole
 “ country to see where he could get the vilest and the worst of agents, just as in
 “ ancient times those tyrannical men used to look out for the keenest scented
 “ bloodhounds to hunt down the people. The worst man is Sebastian Nolan; the
 “ worst man, the worst agent, and the greatest scoundrel in the West of Ireland.
 “ Sebastian Nolan was fired at in the county Galway.
 “ A voice. It was time.

“ (Mr. Harris.) Of course the man who fired at him committed a very great crime.”
 Your Lordship marks that.

“ But for fear that he had been fired at, I will not say what another outrage
 “ he would even have committed, a greater crime. What did Sebastian Nolan
 “ do? He came by the tenants, one by one. He had the face of a hypocrite.
 “ He was in Haire's Hotel. He brought them in, and asked them to have a glass
 “ of whiskey, and I tell you that whiskey has done an amount of injury to our
 “ country that is almost incalculable.”

Then he proceeds to deal with Mr. Nolan. I cannot help reading in connexion with these speeches of Mr. Harris, and applying to him his own words. I will give your Lordship the reference to them in one moment. They are the words where Mr Harris says :—

“ You can never draw the line when once you give any latitude to the
 “ peasantry in committing agrarian crime. It is hard to know how far to go.”

I will give your Lordship the reference in one moment. That is Mr. Harris's own view, and whether it is his own view or not, is it not a true view, that if you ever give a latitude at least to the peasantry of whom he was speaking, the peasantry in Ireland, whatever be the cause of their feeling, be it that they are wronged, or whatever it may be, whenever you give latitude to them you can never draw the line. And so, my Lord, it was that with that knowledge in his mind these speeches of Mr. Harris were made. I fear that it was not the rejection of the Disturbance Bill that this great increase in crime is to be found. It was in such speeches of men of such great influence as Mr. Harris that the germ existed from which crime afterwards came into existence. I think I will relieve you with your permission of any more of Mr. Harris' speeches for, I think, I ought rather to take samples than give them in detail.

I will only read now if you will allow me one speech first of this other organizer, Mr. Sheridan. It is a speech that he delivered on the 17th October at Carraroe. He expresses, I presume, his view of how this movement should be carried on. Mr. Sheridan said on that day :—

“ Now, I say, if you are in earnest, as practical men, each and every one of
 “ you should pitch himself into it with a good will. You should keep within the
 “ constitution, because the movement is within the constitution. On my own
 “ individual account I would say constitutionalism is only so much vapour.
 “ Following back I fail to see that anything has been wrung from a sense of
 “ justice. I feel that so long as it is possible to do things by constitutional
 “ means, I feel the man that thinks so would be criminal to try any other means.
 “ Notwithstanding that the movement is constitutional, if you are not men,
 “ determined men, if you do not build an organisation that Ireland will have, if
 “ such an organisation is not behind this movement, all these speeches are only

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“ like so many bubbles in the air, and vanish without leaving a track behind them. Mr. Gladstone said it was on account of the intensity of Fenianism that the Church was disestablished. Look at the other side of the picture. We had great agitations before. When we got Catholic emancipation, the Duke of Wellington said give it to them, because he saw the country was ripe for war. Then, my fellow countrymen, I say to you organise, organise. Let the manhood of the country be organised: let any man who is an Irishman, and has the interest of his country at heart, every man who is to win his bread by the sweat of his brow—it is his interest.”

That is Mr. Sheridan's view in organising.

I have three speeches of Mr. Boyton. Mr. Boyton's first speech is in the speech book, on, I believe, November 5th, at page 411. It traces out the progress of the “spreading like wildfire.” It is at Fethard, Tipperary. Mr. John Dillon was present:—

“ I regret to have been informed here to-day, by the President of the Fethard Branch of the Land League, that there are hundreds of men here who have went and paid their full rent on the last day.”

When we come to evictions, I shall have to ask your Lordships' attention to a statement of this kind:—

“ I regret to have been informed here to-day, by the President of the Fethard Branch of the Land League, that there are hundreds of men here who have went and paid their full rent on the last day. I tell you, you men that began this work with us here, right under the slopes of that mountain, that you have not been doing your work as your brothers that have only been a few weeks at it have elsewhere. I tell you that the real war, and the real victory is in striking at the greedy hand of the landlord and his agent. You should have here—with the spirit that I have seen at all the monster meetings around that hill—you should not have left a single man in the south riding of Tipperary to be found base enough to pay more than what you pledged yourselves to do. I know for a fact now that there are men in Fethard, aye in Kilosty (?) who have went up sneakingly, and paid their rent. I ask you is that worthy of the Land Leaguers of Tipperary?”

This must be addressed to men who could pay their rent, and did pay it.

“ Now, then, from to-day I shall take the pledge that has been administered elsewhere in the county, and if from to-day a man be found base enough to betray the people's cause, there will be no probability, as my friend Father O'Keeffe says, about his being boycotted—for it will be—or else you are unworthy of the exertions that men are devoting to your cause—it will be a certainty that he will be made to feel that he is a public enemy.”

This is from an organiser authorised by Mr. Parnell's selection, by virtue of Mr. Davitt's acquaintance with Boyton. This man, now here as organiser and agent for the Land League, is saying that if a man, who must be taken to be able to pay his rent (for he does not pay it, and does not personally object to pay it) pays that rent, he is to be held up as a public enemy by virtue of boycotting. Then, my Lord, men wonder at crime following when such acts were done.

On November 14th, 1880, there is another speech to which I will refer (page 408), in which Boyton uses somewhat similar language.

He says:—

“ The pledge of the Irish National Land League embodies the principle of the League. It is that you have a right to combine like men for self-preservation; that you have a right to watch, to mark down, and to excommunicate socially and politically, the man who, in the face of this great movement, will be base enough to betray the cause of Ireland, for the man to-day who violates his Land League pledge is a double-dyed traitor to God and to his country.”

My Lord, to us those words may appear comparatively harmless, but when a man is called to Fenian ears a traitor and a double-dyed traitor, and when it is told to those,

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who hear that that double-dyed traitor is to be marked down and to be excommunicated, it was merely preparing the way for those who were to travel on the road of outrage and of crime.

There is also a speech of Boyton's on the 21st of November 1880, at page 225. This is indeed focusing the offender.

He says:—

“ We of the Land League do not attack any landlord as an individual, but
 “ we attack the land-grabber as an individual, and we want to make the crime
 “ of land-grabbing and the crime of going behind a man's back to betray the
 “ cause that you have publicly pledged yourselves to stand by; we want to make
 “ that crime as odious as was the crime of the man who was an informer or a
 “ betrayer in the past history of Ireland. We want you to know that it is
 “ treason, and treason against the people is the worst crime that can curse
 “ humanity.”

We have heard something more, and I have to point out something more, namely, that amongst the Fenians, by the constitution of the Fenians, the crime of treason, the fact that a man was a traitor to that body, meant death. The power of death was given to the Supreme Council. The power of causing death and putting to death was exercised. And thus, my Lord, this organiser of the Land League, with men who, from the state of the country, we must know had Fenians listening to them, was saying that, if evicted farms were taken, it was the duty of the people of the country to treat the man who took them as a traitor who deserved the punishment and the fate of his treachery. That, from all experience, as those people knew from the sad experience of their country, meant death, inflicted not by the hand of the law, but inflicted according to the views of individual judgment, on the personal responsibility of individual men.

Thus this sad action of unsettlement proceeds, first by agitation, making men restless, their dormant passions roused by men skilled in Irish habits and Irish modes of thought, which it was well known would be most likely to rouse them, then appealing to the very sympathy which would best be obtained, and urging them to act as they well knew, according to the history of past time, and of late time too, would ever be the action of the people who were willing to furnish traitors, every man throughout the country was told, upon your individual judgment, treat these men who shall be focussed by you as traitors, and as in past time you inflicted the punishment of death upon them, inflict that punishment now. There are degrees to be found in incitement to crime. In what degree of incitement can this be placed? Considering the action, considering the men who spoke, considering the men who heard it, considering the language which was used, is not the degree of incitement to commission of crime one that must be placed high upon the record of those different degrees?

I believe there is one speech more at a later date, and it is so expressive that although it is somewhat beyond the period of time with which I am dealing, and as it is the last one of Mr. Boyton's which I now read, I ask permission to call attention to it. It is proved by a special witness, the words being denied. It is at page 2805, and, my Lords, there Mr. Boyton said:—

“ We have seen plenty of them (landlords and agents) that deserve to be shot
 “ at any man's hands. I have always denounced the commission of outrages by
 “ night, but meet him in the broad daylight, and if you must blow his brains out
 “ blow it out in the daytime. It will be your people to punish those people (the
 “ landlords) for any misuse of their power. Don't be afraid of the Government,
 “ or the police, but teach that man (the land-grabber) to be afraid of you.”

My Lords, one can scarcely believe that any one can make such a speech as that. “There are men who deserve to be shot!” he tells this aroused peasantry—this audience of men whose dormant passions have been roused, he tells them that he would aid the men, apparently somewhat of feeble courage, to the act of murder, and he says “I do not care for the cloak of the night, but blow out his brains in the daytime;” and this was the agent, the associate of Mr. Davitt, the organiser of the League appointed as such by Mr. Parnell, who goes forth and says these things, and I was going to say, says them unchecked, but I qualify the statement and say unchecked by the men upon whom the principal responsibility of saying them rested.

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I ought not to say that they were entirely unchecked, because Mr. Timothy Harrington happened to be present on this occasion, and Mr. Timothy Harrington, hearing this most violent expression of the views of Mr. Boyton, had to make a protest against such a speech. Your Lordships will find Mr. Harrington's explanation at page 5414. My learned friend, Mr. Murphy, cross-examined, and said to him:—

“Now Mr. Harrington I had better ask you about a speech which is in print, or rather which is a speech that was proved by a witness from longhand notes, a speech of Mr. Boyton on the 4th of March 1881 at Kellarglin. That is the speech in which he says: ‘We have seen plenty of them (landlords and agents) that deserve to be shot at any man’s hands. I have always denounced the commission of outrages by night, but meet him in the broad daylight, and if you must blow his brains out blow them out in the daytime.’ There was an examination about that which I need not refer your Lordships to, I may have hereafter to do so?—(A.) I have seen the copy of that speech. I was present when the speech was delivered, and the report of the speech by the policeman here conveys in no way the meaning of Mr. Boyton when he had spoken. That speech was referred to afterwards by Mr. Forster in the House of Commons, in speaking of Mr. Boyton’s arrest, and my attention was drawn at the time to the gross injustice which was done by the speech, it was never published in any newspaper, and that was the only report that Mr. Forster could have acted upon. (Q.) We only had a part of it, I think. I do not think it pretended to be the complete speech according to the statement of the witness who proved it. Was Boyton’s speech, as delivered, in fact, a speech inciting to crime?—(A.) No, a portion of his speech I considered was couched in dangerous language, but the speech was delivered with the object of denouncing moonlighting, which was then taking place in Kerry, and in his endeavour to dissuade the people from moonlighting he used what I now and what I then considered rather a rash argument, and that is he used the same expression Mr. Dillon had used a short time before in the House of Commons, when he said, ‘I can understand a man who has a grievance against a landlord shooting him in broad daylight, when evicting him from his home, or something of that kind.’ I think that was a foolish thing to have said, and I told him so at the time.”

But now, my Lords, whilst I think that very probably the reporter, though a long-hand reporter, was right, and Mr. Timothy Harrington’s view, with which he is in conflict, was not very correct, yet I must confess that Mr. Harrington’s explanation is an explanation that we may deal with as it stands. What was said? It is very likely that Mr. Boyton was arguing against moonlighting. But the point is, did he say “Blow out the landlord’s brains in the daytime,” or did he also say there were plenty of them who deserved to be shot at any man’s hands? What has that statement that the landlords deserve to be shot at any man’s hands to do with moonlighting? Mr. Harrington does not say those words were not used. He simply says the reason it was said was that it was an argument against moonlighting. He might have said, “I prefer daylight, so that my deeds should not be so evil”; but he did not deny that it caused him, Mr. Harrington, at the time to say, “You should not have said it,” but it did not cause Mr. Harrington to go to the people and say, “It is a wrong doctrine, and you ought not to listen to it.” Indeed there was a direction to invoke the practise, because there was nothing done in public to provide an antidote to the evil that those words produced.

I will make only a reference to a passage of Mr. Harrington’s cross-examination at page 5438 in which he arrives at the same result as on the previous examination, that is, that he thinks the words were used in the sense to which I have referred.

My Lords, a few minutes ago I mentioned to your Lordships that Mr. Harris had said you could never draw a line when once you give any latitude to the peasantry in committing agrarian crime. The authority I gave was page 4093. It is page 6093. That is in his examination, and he himself used those words at that page.

My Lords, as I am coming to the termination of the speeches that I am dealing with in the year 1880, would you allow me to dispose of an arrear. I have to go back a little in point of time, but it is an arrear I had better get rid of, and that is the

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speech that was delivered on Mr. Parnell's arrival on November 20th by Mr. Biggar at Cork, what I have termed the "Hartmann" speech. I am going to ask your Lordships to come to the conclusion, without doubt, that that speech was delivered as reported. The evidence, I think, must be taken to be overwhelming upon the point. Your Lordships will recollect that it was proved at page 2807 by Mr. Ludgate. Mr. Ludgate was the reporter for the "Cork Constitution," and that words that "Ireland will produce another Hartmann with a better result" appeared in this paper with some circulation attaching to it, and no one ever seemed to doubt, of the very many who were present, that those words were uttered. At least they did not doubt it to a sufficient extent to cause them ever to notice that they were not used. You will recollect that there were three papers being published in Cork, the "Cork Constitution," the "Cork Examiner," and the "Cork Herald," because a Mr. Harrington was called, being a reporter engaged on the "Cork Herald," who was present at this banquet; and he certainly was desirous to give evidence, and did give evidence in Mr. Biggar's favour to the extent of saying that where he was sitting he could not hear Mr. Biggar's words. But this is not a leaving out of words. This is an insertion of words that did appear in the Cork newspaper, reported by Mr. Ludgate who proved them.

Then, if you note the cross-examination of Mr. Harrington on page 5831, it appeared that there was Mr. Mead, a reporter whom he spoke of as his colleague in the highest terms, as to his accuracy. Mr. Mead reported for the "Cork Herald," a not unfriendly paper, as to Mr. Biggar's views, and it was reported in that paper in the same way that paper was produced. It was sent for during the cross-examination of Mr. Harrington, and brought into Court, and there are the words reported by the independent reporter, Mr. Mead, who if I recollect rightly now, is employed on the "Freeman's Journal." According to Mr. Harrington and Mr. Mead, the reporter, independently of Mr. Ludgate's report, could tell whether these words were used or not. Mr. Mead is carrying on his profession for the "Freeman's Journal," and does not appear here to say they were not used, the evidence, as I submit to your Lordships, being overwhelming, so far as we can judge from the testimony of Mr. Ludgate and the absence of Mr. Mead, that the words were used. All it means is, that Mr. Biggar does not say he used the words. Of course it would convey a wrong impression if he left it there. What he says is, he used them, subject to terms of condition, that he warned the people if they did not follow constitutional action, then a Hartmann would arise. Those may be words used of course innocently. A moralist made of stern stuff may so warn people in the interests of constitutionalism; but what becomes of the words "with a better result"? How can there be a better result in the action of a would-be assassin like Hartmann? Those are the words which have to be dealt with, and I do not gather from Mr. Biggar's statement that he denies having used those words. His "condition" is in the report. It is a confusion for Mr. Biggar to think that the condition was not reported. It was reported by Mr. Ludgate in the "Cork Constitution," by Mr. Mead in the "Cork Herald," and those words are there to be found. The condition is to be found, and the result is that Mr. Biggar, sitting by Mr. Parnell's side, gives to the people who listened to him, the sympathetic people in the Fenian body of Cork, his views that if certain things do not take place, and if their conduct be not guarded by certain views, then to Ireland would come Hartmann with a better result than the result which had been effected by the man who failed because Hartmann had failed in his attempt on the life of the French Emperor, and so it is that Mr. Biggar uses these words, not using them as the hot-blooded youth, to which my learned friend Sir Charles Russell referred, but speaking gravely from his post as a Parliamentary representative. So it stands that he was holding out to-day that a better result than the escape of a man from the assassin's fate could be produced, namely, by the death of the person so attacked.

I am happy to say that I think I have now dealt with these speeches of 1880, and what was the course that was taken to arouse, as I say, the passions of the people.

My Lords, I am not making my own statement when I say that the result was a sad, a very sad one, for crimes gathering like a cloud over the people, and as the autumn month went by, no one who mingled with Irishmen, no one who even afar off took an interest in their affairs, could be ignorant that the crime was abnormal, was sad indeed, and was to the people's shame, and had to be dealt with, not only by a

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responsible government, but by those who had influence amongst those people. My Lords, I have one witness to call as to this matter, I call as a witness to give your Lordships an account of the state of Ireland, and his view of it, Mr. Michael Davitt, to tell his tale. My Lords, Mr. Michael Davitt at this time, from May until the 20th of November, had been in America. He had played his part there, visiting, as we know, the Celts, the Clan-na-Gael, and others, in order to bring them into line, and he who had accepted enlistment in the constitutional wing of this united army had been as I say, furthering the objects he had in view in that important field of action, America. But others had been at work in Ireland, others who did not entertain the views Mr. Davitt entertained. They were men who had been using, as we have now seen by virtue of the evidence which has been put before you, language to incite and unsettle; what they sought had been obtained. Heaven knows unsettlement enough was there and crime was there, and so the object of these men had been gained, but that was not Mr. Davitt's object. He had been, as he tells us, in a reference that I can give if necessary, it will perhaps be familiar to your Lordships—he had been living amongst a law-abiding people. He had been living amongst those who had, as he termed it, the advantage of the government of the Republic. Happily a democracy so governed are apt to consider the authority of their own government, and Mr. Davitt had found the sympathy of such men was not with crime. They would have none of it; they could hold out no hand of alliance with the men who had been preaching crime, and so we learn from Mr. Davitt's statement, and also from Mr. Parnell's, that Mr. Davitt finding that public opinion, the opinion of the press in Ireland, was all against this policy leading to crime in Mr. Davitt's judgment too, leading him to the conclusion that the democracy of England to whom he was willing to appeal would like the American democracy, have no sympathy with those who were criminals, Mr. Davitt came to the conclusion that at last the policy of crime was a mistake, and that those who were endeavouring, as he was, to support this Land League movement would from only motives of policy be willing to get rid of it, and so, my Lord, speaking without reference (unless your Lordships wish it), I make this statement in Mr. Davitt's presence without step by step giving you the reference to it. Mr. Davitt, when he arrived on the 20th of November, determined at least to take some steps, if not to prevent, to mitigate this crime, or at least a certain portion of it.

My Lords, I am speaking now of almost the last acts of Mr. Davitt in connexion with this matter. On the 3rd February 1881, within three months of the time of which I am speaking, Mr. Davitt was removed from any active operation in public affairs. His release occurred months after the suppression of the League, and so we are about to lose sight of Mr. Davitt. This was the last scene of all the acts in which he played. These concluding months, months employed well or ill, were the last months in which Mr. Davitt took a part in public affairs, and, my Lord, in parting with Mr. Davitt, I wish I could find words of complete and entire commendation of what he did. I have endeavoured to read the history of these transactions without the entire warping of judgment that sometimes affects an advocate's thoughts, and I have fancied, at least, that I have traced in Mr. Davitt's action, some broader and larger views than those which regulated the conduct of many of his colleagues; and if, when I find that Mr. Davitt at this time was making denunciations of crime in a certain sense, I could have read those denunciations as full and complete, I would gladly have expressed in a fuller measure than I can now do words representing approval of what Mr. Davitt did, for there can be pleasure in saying anything of evil of what has been the action of one's fellow creatures, and I wish I could see a full measure of good in what Mr. Davitt did; but Mr. Davitt shall have, I think, the credit which he deserves during this period. Between the period of his arrival in November and his arrest on the 3rd of February 1881, Mr. Davitt made speeches denouncing crime. My Lords, the speeches I should have wished to have read would have been speeches in which Mr. Davitt had said crime and outrage are wrong, they are known to no law and sanctioned by no law of this or any other world, and I wish he had reasoned with men to be good for the sake of good and to avoid evil in order that evil may be shunned. Mr. Davitt asked that crime should cease. I think your Lordships will find that throughout those speeches that the appeal was made on the ground of policy rather than principle. Mr. Davitt had even to

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apologise almost for making that appeal as we shall see, he said at the risk of losing my popularity I tell you that this crime ought not to be.

Then, my Lords, Mr. Davitt, to return to very prosaic things, had been collecting money in America and had been collecting that money by virtue of the sympathy of the men to whom he appealed. He had to tell his listeners and did tell them that if they did not desist from crime they would lose the sympathy of their American friends, they would lose American support, and they would also lose the sympathy of the English democracy, and their crimes would be turned against them by those who were their friends. Well, my Lords, I say this does not render the measure of approval so full as it might have been, but still Mr. Davitt's words were spoken; words to which briefly I would call attention, my Lords, I wish Mr. Davitt's conduct even to the extent to which he denounced crime had been met by others; he told Mr. Parnell that this crime was existing, so Mr. Davitt says, so Mr. Parnell says. Mr. Parnell also told your Lordship that until Mr. Davitt, who had been in America, told him of the increase of crime, he had heard not of it, and he knew not of it. My observation must be that this seems strange that Mr. Parnell, who had been at this time in Ireland, who had been surrounded by his colleagues, his lieutenants, and his organisers, who must have known from reports in the newspapers and from oral communication, what was going on, should have had no knowledge of this growth of crime represented by the figures which I placed before your Lordships yesterday. They were not hidden acts, they were acts which were blazoned forth to the public by the press in Ireland and in England. The horror of them was resounding through the land, the statements of them were being dwelt upon for political purposes here and there, yet Mr. Parnell tells your Lordships, and if he says it I must let it lie where it falls, that he knew nothing of what was going on until the man who had been absent in America comes to him, and reflecting the view of the Americans, says those things cannot go on, for the source from which all the money has been coming, that source for which I have been labouring to find a means of carrying on these movements, and have laboured with success, will be dried up and sent to you and to me if steps are not taken to prevent this disgraceful condition of things which has shocked the feelings of the American public, and which has caused them to warn me that they will have no sympathy with such transactions.

Adjourned for a short time.

(*Sir H. James.*) It has been pointed out to me that when dealing with the organisers, I attached so much prominence to the statements of the three organisers, and that I also mentioned the name of Mr. O'Kelly, that I may have been supposed to have presented to you the fact that there were only four organisers, and I think that such an impression would be likely to be created by what I said, I, therefore, wish to state to you that such was not for a moment my intention. We have it on Mr. Parnell's evidence there were others. I think they would amount to 10 or 12 in number, and some of them were certainly persons connected with the Fenian organisation. I have chosen those who were the most conspicuous. As I said, Mr. Boyton was selected on account of his association with Mr. Davitt. The others were selected on the advice of Mr. Egan as Mr. Parnell says, on whose advice he rested.

If you will allow me, I will now proceed with the matter that I was immediately addressing myself to a few minutes ago. I was pointing out to your Lordships that Mr. Davitt had become alarmed at the state of things which was existing in Ireland. We find a trace of this in the first instance, at a meeting on the 30th of March 1884 at which Mr. John O'Connor was present, and said:—

“Then it was that that great Irishman, Mr. Davitt, on his return from the
“land of the free and the home of the brave, uttered the celebrated denunciation
“of those outrages which had done so much to retard the progress of the move-
“ment he had set on foot. It was a fact worth noting that such men as Davitt
“and the Redmonds when they came back from those countries that were blest
“with free institutions scarcely set foot on Irish soil, but they felt it their duty
“to tell the people that outrage and violence were alienating the sympathy of
“many of their countrymen.”

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Then there is one other reference at page 4215 in Mr. Parnell's evidence where there is an account given of an interview at Queenstown with Mr. Davitt upon his return from America:—

“How have they regarded in America the outrages which have been committed in this country? The American Press, unfortunately for the Land League movement, has to depend on the London Press Agency for all its information.”

That is Mr. Davitt's statement:—

“And as this agency appears to be hostile to the agitation, each outrage occurring in Ireland is cabled across as being the result of the teaching of the agitators. In consequence of these opinions obtaining circulation in America, great injury is done to our movement in the estimation of the public generally. The friendly American Press, who are better informed, and the Catholic men generally, contradict these statements from London, and trace these outrages to their proper origin. It is of the greatest possible importance to our movement that the American public should be convinced that neither the land agitators nor the Land League send the slightest encouragement to agrarian outrages.”

It is “send” here; I presume that would be “lend.”

We also have another account at page 5609, where Mr. Davitt in the course of his evidence at question 86,822, was asked:—

“On your return to Ireland, were you made acquainted with the fact that there had been some, possibly not very many, but some outrages in various parts of the country of an agrarian character?”

I would venture to ask your Lordship to note that question. It is Sir Charles Russell's question. Your Lordship will see this:—

“(Q.) On your return to Ireland were you made acquainted with the fact that there had been some, possibly not very many,”

this was November 20th;

“but some outrages in various parts of the country of an agrarian character?—
“(A.) I learnt that before coming to Ireland, from the American press. (Q.) When you got to Ireland, what steps were taken by you, or in conjunction with you, in relation to it?—(A.) Mr. Parnell saw me in Dublin on my arrival, and I told him what the feeling in America was with reference to these outrages, that the American press, without exception, condemned them strongly, and called upon the leaders of the agitation in Ireland to do their best to put them down. Mr. Parnell, who had been in London, I think, a great deal previously, told me he was very much concerned about these outrages also, and it was then agreed that I should draft a circular in the name of the executive of the Land League and send this circular to all the members of the Land League throughout the country. That has already been read.”

That circular I am about to refer to. Now we have Mr. Parnell's account at page 3910, which is very similar to Mr. Davitt's, but we may as well read it. He says this:—

“Yes, Mr. Davitt had been in the country some little time. He had been in the office of the League, and he told me he had received very alarming reports of the increase of crime from the League branches, and from other persons throughout the country—that this crime,

(these words are by Mr. Parnell,)

“apart from its moral wrong, would damage our movement enormously, both at home and abroad, and he said that we must take some steps to do what we could to check it. I agreed with him in his opinion, I had not myself been previously aware that the crime had increased. This was the first information or intimation I had of any unusual increase in the crime of the country. And it was arranged that a circular should be issued amongst other things condemning crime.”

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And then he says he, Mr. Parnell, saw the circular before it was issued. Now that was knowledge, Mr. Parnell says, brought to his mind for the first time. You will see that what had to be done was something to check this crime, outraging the public opinion of America, outraging therefore, as I have pointed out, the source of supply.

Now, we have to ask what was it that these men did who were all powerful. I need not over and over again remind your Lordships of the power they possessed. This uncrowned king, Mr. Parnell, as he was termed, this unwritten-law-giver, a man who probably almost without example has had power amongst a people constitutionally governed, this member of Parliament had knowledge then conveyed to him of the crime that was existing, knowledge coming from the branches of the Land League, as he himself says. Now we have to ask, what did he do to stop this crime. At the very page that I have here, it tells us what he did—The page I have been reading, page 3910. That Mr. Davitt agreed at the forthcoming meetings which he had engagements to attend, to strongly denounce crime at each of these meetings, and to do all he could to show the people the injury that was being done. What did Mr. Parnell do? His answer is, “Nothing.” “Why?” “My engagements being at an end.”

My Lord, with him it was a matter of convenience. We are speaking of a day very very near to the 20th November, and there was the month of December following, when no parliamentary claims were upon Mr. Parnell; and there was the month of January. Now, my Lord, Mr. Parnell, who could have obtained a willing audience in any town or in any village of Ireland, has to say that this outrage, which was not a political question, but which represented death and hurt to the people whom he had taken under his care, that these outrages, representing death and hurt, which had come with the Land League that he had called into existence, and after his organisers had been at their work, were not to be checked and stayed, because his engagements were at an end. The language represents language of certain persons in an artistic profession; but can it represent a man with such a duty—can it properly represent a man in such a position, with such a responsibility upon him, as Mr. Parnell. Still, that is the course that he took, whose words he must have felt would have been the keynote which would have affected the tone of every other speaker in Ireland. His words were absent and his voice was dumb, because he had no other engagements. So he went his way. Be it what it may, on pleasure or on duty, he went his way leaving these men, these orators, these agents, at their work; he left these victims to their fate, and he stood the chance of Mr. Davitt's words being powerful enough to effect the object which he ought to have made much sacrifice to attain.

My Lord, I will take Mr. Davitt's words, which, so far as speeches are concerned at this time, as far as I can see, were the only words used to the people to prevent crime. I have told you that without doubt Mr. Davitt, if he did not denounce, did depreciate crime. But, my Lord, I say again that I think throughout O'Kelly's speech you find the reason given, and throughout the speeches Mr. Davitt made, there is always, I think, the reason given that it is impolitic to commit crime. I take speech after speech at this time. I think we have only put in evidence, some four or five. Mr. Davitt spoke of a much greater number that he made, and I have no doubt that those speeches were made. There is a speech on November 24th. I am reminded by my friend in relation to the communication made by Mr. Davitt to Mr. Parnell at page 5610, which is an additional reference, the term that is used is “appalling increase of crime.” There is a speech by Mr. Davitt at page 4213. I think this is the first speech Mr. Davitt must have made after his return, and probably would have been made before his interview with Mr. Parnell.

(Mr. Justice A. L. Smith.) What date?

(Sir H. James.) It is reported on the 22nd November; and as I think Mr. Davitt only arrived on the 20th, it must have been a speech delivered the day after.

“ After alluding to his recent tour in America, Mr. Davitt said nothing tends
 “ to injure our cause with the American people so much as the occasional acts of
 “ violence, which injustice prompts some to commit in parts of the country.
 “ The landlord organs here and in England take care to colour these occurrences,
 “ so as to represent them as directly resulting from the agitation and teachings
 “ of the Land League. I believe from my own intercourse with representative
 “ Americans and newspaper men in the United States, that the Irish landlords

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“ could do nothing better to create sympathy for their cause, and obtain a
 “ condemnation of ours in America, than to shoot a half-dozen of their number,
 “ with a few agents thrown in to swell the horror, and then charge the deed
 “ upon the Land League and the tenant-farmers of Ireland (lengthened cheering).”

Well, my Lord, I read that argument of Mr. Davitt's as being a very sound argument; but it is a very little devoid of what one would have looked for with wishfulness, I mean the high-toned principle stated that such crime as I have said is an infraction of any law that ought to bind us.

The next speech I think is on the next page, 4214. I cannot give you the exact date. I think it will be the 24th of November, because I think it is published in the “Weekly Freeman” of the 27th. Mr. Davitt says in that speech:—

“ The spirit in which this assistance has already been given can find no better
 “ illustration than the act of the Tipperary lady who handed me 200 dollars a
 “ few days ago.”

Then he proceeds:—

“ Neither will any risk of unpopularity or adverse criticism prevent me
 “ raising my voice in emphatic condemnation of any and every act which may
 “ strengthen the hands of the landlords against the Land League, and alienate
 “ the moral support of public opinion throughout the world.”

This was put in in Mr. Davitt's cross-examination. “The important part will show the denunciation,” says Sir Charles Russell. What is denounced there? Something which in its consequence will strengthen the landlords, but not that which in its source is guilt in the person committing the act. I have other speeches which have been read to your Lordship and put in evidence in Mr. Parnell's examination.

At page 4216 there is another:—

“ The friendly American press, who are better informed, and the Catholic
 “ men generally, contradict these statements from London, and trace these
 “ outrages to their proper origin. It is of the greatest possible importance to
 “ our movement that the American public should be convinced that neither the
 “ land agitators nor the Land League send the slightest encouragement to agrarian
 “ outrages.”

I have speeches of the same character which as I say have been read. There is one in which Mr. Davitt does speak rather more generously in his condemnation. This is at page 4218, and must have been a very late speech, because it is reported on February 12th, 1881. I will read it:—

“ If your patience becomes exhausted by Government brutality, and every
 “ right, privilege, and hope, which is your God-given inheritance, be trampled
 “ upon by a vindictive power, the world will hold England, and not you,
 “ responsible if the wolf-dog of Irish vengeance bounds over the Atlantic at the
 “ very heart of the power from which it is now held back by the influence of the
 “ League. But glorious indeed will be our victory, and high in the estimation
 “ of mankind will our grand old fatherland stand, if we can so curb our passions
 “ and control our acts, in this struggle for free land as to march to success
 “ through provocation and danger without resorting to the wild justice of
 “ revenge, or being guilty of anything which would sully the character of a brave
 “ and Christian people.”

Certainly that is an advance upon the other speeches, and I am glad to take notice of it. There was the extent to which the condemnation went. And as all the speeches Mr. Davitt wished to rely upon, as I understand, have been set out, I have only one other matter to refer to respecting Mr. Davitt's view of the outrages at this time existing. At page 3830 we have a statement from Mr. Davitt contained in a letter to Mr. Ferguson. Mr. Davitt there makes this statement:—

“ I have maintained, on 50 platforms in Great Britain and America, since my
 “ release from Portland, that to outrage, and outrage alone, was due to the defeat
 “ and partial collapse of the Land League, and the consequent escape of land-

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“ lordism—for a time—from the demoralising antagonism of a new kind of
 “ organised opposition that would have soon compelled the Irish landlords to
 “ surrender to the people.

Of course it is possible that two views of that language may be presented. It may have meant the outrage committed was outrage hostile to the League, but I have not found that Mr. Davitt in this letter or elsewhere has set up that theory of secret societies attacking the League by virtue of these outrages. This outrage that Mr. Davitt tried to check, as I will show your Lordship in a moment, was the outrage that was either within or hand-in-hand with the League. This is the outrage that now Mr. Davitt bearing his testimony in the year 1883, informs your Lordship was the outrage which occasioned the defeat of the Land League and why? In the spirit in which he had spoken of public opinion condemning the Land League in America, in the same way on cool reflection, he told his correspondent that the Land League was defeated because outrage was there. That was Mr. Davitt's statement. My view is that outrage was of it and public opinion resented the existence of a body that was so associated with outrage, and condemned it for the reason that Mr. Davitt has truly given there.

There is one other person who bears testimony at this time to events, and that is again a gentleman to whom I have referred this morning, namely, Mr. Matthew Harris. At the page to which I have already referred for another purpose, namely, 6088, Mr. Matthew Harris makes a statement as to his view, at least as to the condition of things at this time. I ask your Lordship especially to note his view:—

“ In fact it was an understood thing among the leaders of the movement, I
 “ may tell you, in relation to this—with Egan and myself and Mr. Davitt—

This entirely agrees with my view—

“ In fact it was an understood thing among the leaders of the movement, I
 “ may tell you, in relation to this—with Egan and myself, and Mr. Davitt—that
 “ at the time of the State trials, which was early in 1881, we would pursue a more
 “ moderate policy. I wrote a pamphlet at that time on this land question, giving
 “ my solution of the land question. I would be very glad if it were put in. I do
 “ not know whether you have a copy of it or not.”

What was the more moderate policy? Was it another definition or limitation of boycotting. Was it in mitigation of the ferocious language of such persons as Mr. Boyton. At any rate, those who had the power of control as I admit they had, Mr. Davitt, Egan, and Mr. Harris, were, I should think, on account of this appalling list of outrage determing to affect a more moderate policy. Well, I am afraid they did not, and there are reasons why they did not.

There is also testimony by Mr. William O'Brien on page 4641, question 70,712. Mr. O'Brien had been down to the Lough Mask district and he had found the young men in a terribly wild state, and so, my Lord, he tells you about October or November in 1880, he thought it right to communicate what he knew, and he says:—

“ I remember it very well, in Mr. T. P. O'Connor's room. Mr. T. P.
 “ O'Connor was staying at the Imperial Hotel at the time, and I remember we
 “ had a very long conversation when I told him, and both he and Mr. O'Connor
 “ were in a state of terrible alarm. They both said outrages or anything of the
 “ sort would be utter destruction to the movement, and they both said they
 “ should take every opportunity they possibly could of speaking if there was any
 “ opportunity.”

Here are the other engagements of Mr. Parnell. Your Lordship will look amongst the speeches, either put in by my learned friends, or speeches we may have put in, of Mr. Egan or Mr. O'Connor denouncing outrages, and see what result was arrived at. Here again it is brought home to one of the Triumvirate, at least, who were managing the League, Mr. Egan (probably at that time, it may have been in the absence of Mr. Davitt) and brought home to another conspicuous member, Mr. Thomas O'Connor. They were told of these outrages existing and they find the remedy, a potential one, namely, that they should make speeches, but they did not. I do not wish to go back to that figure, that was not my own, I am quoting words of others. How easily this plague might have been stayed. Mr. Parnell with all his power

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had other engagements. Mr. Egan and Mr. O'Connor had not the opportunity of saving the lives of their fellow Irishmen. But the opportunity not being in the way, and the engagements being in the way there was a document issued. Now, I have to call your most serious attention to that document. It is said that here was really the remedy, and that, whilst Mr. Davitt alone was to make speeches, and did in the sense I have mentioned, this circular was sent out, it is said by Mr. Parnell to every Land Leaguer, but I think that must be a misapprehension of what was done by Mr. Parnell. It was sent out I presume to some managers or representatives, and had a circulation of which of course, my Lord, your Lordship knows nothing. One witness said he saw it but did not read it to his branch, and we find no trace as far as I know of this being read to branches or read to people who would be likely to be influenced by it, and I should gather that it was really what may have gone to organisers, because it is headed "A memorandum of instructions to organisers and officers of branches of the Land League," but I should doubt whether it went much farther. But to whomever it went my view will be that the fewer it went to the better. I am sorry to trust my own judgment, but as I read this document, I am glad for another construction to be put upon it. A more wicked document, more tending to incite to crime than this document could never have been drawn by anyone. Mr. Davitt says he drew it or drafted it. My Lord, I fancy it must have been drawn by him with somewhat different language, and that it must have been settled by somebody who wished to limit its operation. Will your Lordships bear in mind before looking at this document that there are two classes of crime, two descriptions of crime, one of which has never been thought to be effective by Irish agitators; and the other which has been condemned—it could not help being condemned—by every class of Irishmen, and certainly as far as I know has been condemned by those who belonged to the Fenian body. The first, the description of inutility, would be threatening letters. They are foolish. They have been regarded as ineffective and rendering a false impression that there is greater crime than there really is, and being of no avail even to intimidate. The second description of crime is that of the maiming of animals; and I need not give you a reason why men, belonging to a generous race, would hold in abhorrence the maiming of dumb animals. So, my Lord, those two crimes are useless and worse than useless, useless to those who desired to terrorise, useless to those, and worse than useless to them, who desired that any movement they were engaged in should stand well in public opinion.

Now, I turn to this document; and I ask your Lordship carefully to scrutinise it. As I have said I may be wrong in my reading of it. I hope I am. It is at page 3712. We find first very long general directions. This, which as far as Mr. Parnell was concerned, was the only step he took at this time in any way to stop crime is the document we have carefully to search, to see how far it did carry those intended views into effect. You will find the early part of it deals with such matter as organisation. It does not affect this question. We then come to this paragraph:—

"Organisers and officers of the League, speaking at public meetings or writing to the public press, are expected to enunciate the Land League platform of no compromise or partnership with landlordism, and to repudiate the proposals known as the three F's. now being advocated by landlord organs, in hopes of saving a doomed system from destruction, and giving fixity of tenure in Ireland to most of those evils which have already depopulated our country, pauperised our people, and instigated those crimes which are now being charged by their real authors upon the organisation which aims at their prevention."

Those crimes which are charged represented at this time the crimes of November and December. Numerous as they were and also extended in their classes I would ask in a few minutes to make reference to those statistics which show that at that time there were attacks upon persons, arson, night attacks in large numbers reported and appearing in those returns. Then appear passages as to the necessity of keeping a firm grip upon the land.

(The President.) No; "grip upon and control over their passions."

(Sir H. James.) [reading],

"In no period of the League's existence was it so absolutely necessary for the tenant farmers and labourers throughout the length and breadth of the

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“ country to keep a firm grip upon and control over their passions and indignation
 “ at wrongs perpetrated and injustice threatened than at the present hour. The
 “ evil system which has so long been the curse of their families, and existence is
 “ now gasping out its criminal life in face of the whole world, dethroned,
 “ discredited, and on the point of being destroyed by the stern but passionless
 “ action of a united and indignant people through the means of a bloodless
 “ revolution.”

That is the revolution which we think was mentioned in Mr. Ives' interview.

“ To consummate its death should be the effort of every member of the
 “ League, to have the civilised world bend back its thumbs and give sanction
 “ to that decree against landlordism should be the aim and desire of every man
 “ upon whom it has inflicted injuries. How is this to be effected? To show the
 “ world that the just use of organised strength is to remedy present evils, and
 “ not to avenge past wrongs, to convince our enemies that we have at last learned
 “ how to evolve out of ourselves, build up, and control a power which can be directed
 “ by judgment and reason in the practical amelioration of our wrongs and
 “ grievances, instead of allowing it to fall a prey to that intoxication of purpose
 “ and unsystematic action which have hitherto purchased the defeat of the people's
 “ cause. To effect this object demands no sacrifice from any man in our ranks
 “ but that of temper and passion; to see it triumph requires no action but such
 “ as the League points out in its teachings, and unless firm and determined
 “ attitude in making just demands without violence, to enforce what intelligent,
 “ legal, and resolute combination can obtain enunciation of just principles and
 “ motives, to convince where intimidation entails a conflict with law, arguments
 “ and motives based upon right and common good, when born of deep and honest
 “ conviction, will be found a more potent agency in furthering the cause of free
 “ land, and helping the League in winning it for the people, than means which
 “ jar upon the public mind and tend to alienate the sympathy of outside
 “ observers.”

Now will your Lordship note what comes afterwards:—

“ Threatening letters are as unnecessary as they are stupidly criminal and
 “ unjustifiable; and we feel assured that no member of our organisation has
 “ resorted to such a method of making just demands which invites the stigma of
 “ cowardice and clumsily plays into the hands of the landlords. If a just right
 “ cannot fearlessly be demanded by a victim of landlord power when a powerful
 “ organisation is at his back to protect him, he deserves neither a concession from
 “ the landlord nor assistance from the League in obtaining it.

“ In speaking of injuries inflicted upon dumb animals we cannot for a single
 “ instant believe either the numerous reports of these monstrous outrages which
 “ the landlord organs are publishing, or that a single man within the ranks of
 “ our organisation would be guilty of participating in the few cases which we
 “ are sorry to say have been authenticated. No injustice in the power of Irish
 “ landlordism to perpetuate upon our people could justify in the least degree the
 “ unfeeling brutality which inflicts injuries or suffering upon harmless and
 “ defenceless animals, in revenge for the wrongs committed by their owners.
 “ While dwelling upon this painful subject we would point out to the officers of
 “ the various branches throughout Ireland the advisability of informing the
 “ executive of the League of any outrage occurring in the locality, in order that
 “ reliable information may be at hand to correct the vicious exaggeration given
 “ to insignificant occurrences by the landlord organs. Agents of the Associated
 “ Press throughout the country are known to have manufactured outrages
 “ near their districts in order to turn them to account in obtaining money
 “ by feeding the criminal appetite of English readers; and it is well to
 “ remind those gentlemen that while the privileges of the press entitle
 “ them to publish facts and make any just or fair comments thereon, deliberate
 “ concoction of outrages will be looked upon as real outrages upon the character
 “ and name of the Irish people. A fair and judicious use of the power of com-

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“ bination against the enemies of the people, traitors to the League, or instruments of unjust eviction, or other landlord injustice, will work the requirements of our movement in the present crisis, without any resort to means or methods which would offer a pretext for foul play against the organisation, or estrange the moral support of public opinion outside of Ireland from a just and noble cause.”

Now, my Lord, am I not justified in what I said? Here is a statement to these organisers, Do you take care. It is inadvisable that anything which shall jar on the public mind and tend to alienate the sympathy of outsiders should be avoided. Two things, and two things only, are mentioned as to be avoided. The threatening letters, which are pointed out as being regarded as a useless weapon, and then this attack upon dumb animals, and not one word is uttered against any other commission of crime. I am not relying upon our legal phrase that the expression of one statement represents the exclusion of another. This is common sense, and I wonder what the organiser would think who took this up, and who saw the pressure upon traitors was given, that public opinion was alienated by threatening letters and outrages upon dumb animals, and he is told to avoid those two crimes. What would he think the writer meant as to the remainder? As I said, this document appears to me as if it had been drafted and settled probably by someone who did not wish to offend either wing of the army; and so, in the same way as the Cork branch had been told, “What have you to do with lawless acts?” and in the same way that the central executive could tell the gentlemen at Cork that they had nothing to do with stopping a raid for arms, so it may have been thought that, if there had been any unsympathetic attempt to control the action of these branches and stop these crimes, the report might have come, “As you said to Cork, so Cork says to you; do you not interfere with things which are not of your business.” When they were told threatening letters were useless and that outrages upon dumb animals would be abhorrent to any man; directly there had been any interference with these steps which enforced the decrees of the Land League,—which were the action of the police of the Land League, as I hope to show you,—then there was a staying of this hand in the writing of this circular, and this authentic document, which it has been now stated to your Lordships was a very declaration and denunciation of all that tended to crime, was silent and, as I put it to you, intentionally and purposely silent, in respect to every crime, except these two that have been earmarked and expressed; and so the organisers, who communicated to the Land League branches this doctrine that they had received as their authority and guidance to act upon, would be told, “Those who know what is best for our political movement; those who are the highest authority, are very anxious to see threatening letters and the maiming of cattle stopped.” But what then? They have not the same anxiety as to other crimes. That I hope is a fair translation of this document, and, if it be, what are we to say to those men who, alarmed for the movement, at the appalling list of crime,—those men who now know what was going on,—not with the effects falling upon their own people, who admittedly have the power of staying this, to a great extent, and mitigating this progress of crime, if they will, pick out and select for the purpose of exercising their power upon, two crimes which for the reasons I have given would well be sad in the view of anyone but left unattacked and unreprieved the crime of all other descriptions.

What was the intention of these gentlemen who issued this circular? If the intention was that crime should be stopped, and if my reading be wrong, one would have thought that those who were through this circular endeavouring to stay the crime would also have exerted themselves a little more than writing in this, as I am putting it to your Lordships, worse than ambiguous language. Who, except Mr. Davitt, did go forth into the country and try to stay crime. My Lord, I take one example—I do not know if we have the exact date of the issuing of this memorandum, but I think it is December 1880. Probably the date would be about the 13th December. It appears at page 3711.

(*The President.*) It is dated 13th of December 1880.

(*Sir H. James.*) Yes, it is dated 13th December 1880. No doubt, for some reason that is not probably in evidence before you, this maiming of cattle had attracted a great deal of attention, and everyone (of course naturally they would) seemed to wish to see that crime at an end, and emphasis is laid upon it by speakers, and one example I have,

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a very strong one, is a speech made by Mr. Biggar on the 12th December 1880. It is one I have not yet read. It is at page 27. Mr. Biggar there says:—

“ Now on this question I might be asked in what way does the League propose,—in what way has the League got the benefits for the members of the League in the districts where it was powerful heretofore, and how does it propose to act for the time to come? Now there are some things the League never did. The League never recommended outrages of any sort. The League has been charged with recommending murder. Well, the League never did anything of the sort, and the League never will, I believe. It certainly has not done so up to the present, and so far as I can form an opinion it never will recommend anything of the sort.”

No one is talking of the League recommending murder. The question is whether it stopped it, if it could. Mr. Biggar says nothing about stopping murder.

“ Well then, it has been charged with another thing, with recommending the maiming of cattle. That is a thing I would advise in the strongest terms I could possibly use,—I would recommend that nothing of that sort should be practised, and for this reason. First of all it is a frightfully cruel and sinful thing to do; and in the next place it is a matter that is calculated to injure your cause very materially and very seriously with large classes of the English people who have political influence with regard to a settlement of this question.”

And now, my Lord, I draw attention to these words:—

“ Now these (that is murder and maiming of cattle) are things that should be avoided; that is really substantial *bonâ fide* outrage should be avoided by all means, and by all the influence which you and the League can use.

No other things are mentioned but murder (which of course had attracted attention and was a matter of discussion in Parliament and elsewhere), and the maiming of cattle. “That is, really substantial *bonâ fide* outrage, avoid those for the reasons given.”

“ But there are other things which the League can do, and which the League has done, and which I hold the League is thoroughly justified in doing. The League, with regard to the lands of a county, Meath, near to where we are—the League is perfectly justified, in my opinion, in doing what they did in Kells the other day, that is, come together in a large number, and allow the persons who formerly bid for grass lands to know that they, the large crowds which collected together there, are of opinion that it is undesirable that the land of Meath should be kept for the purpose of grazing cattle.”

Then, Mr. Biggar proceeds with matters which are quite harmless, I admit, such as Griffith's valuation. Then he also proceeds:—

“ Now, when you, when any district of Ireland, when the occupiers of the land in any district in Ireland, has combined not to pay more than they consider a reasonable rent, then what they can do is this, they can use their influence with all their neighbours to urge them not to give more than this reasonable and fair rent, and if any of these neighbours are injudicious and foolish enough to break, and dishonest enough in fact to break through the compact into which they have themselves entered, then it is thoroughly legitimate and proper that their neighbours should expostulate with them, advise them to be more careful for the time to come, and if this wicked person is impenitent, they may cease to buy and to sell with him; they may say, ‘We think this man an enemy of society, and that society should hold no intercourse with him directly or indirectly of any sort,’ and thus the pressure would become so great that this dishonest person would be brought to see a sense of his wickedness, and be brought to join with his fellows and act as he ought to do. Then in cases of a more frightfully wicked nature, cases in which a man has broken the Tenth Commandment by coveting his neighbour's land, and has taken land over another person's head, why then you can visit him, not threaten him of course, but at the same time you should reason with him, advise him to mend his ways and

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“ give up the holding, and reinstate the person who was unjustly evicted from that holding.”

Now, my Lord, this later speech, with the substitution of murder for threatening letters, is identical with the declaration. There is in Mr. Biggar's speech denunciation of two things only, murder and maiming of cattle; that is to say, he says, “ really “ only bonâ fide outrage,” and it is that that he denounces. What then had Mr. Biggar to say as to any other outrage. Maiming of cattle of course was producing a great effect on the minds of men, and people were very desirous indeed to stay it. Then also very shortly, to follow out the thread which runs through that circular to organisers, there is clearly a view entertained by many people that threatening letters are objectionable. I refer especially to a speech of Mr. Timothy Healy made on the 22nd March 1881, within the same three months of this circular being issued. He says:—

“ A great deal has been said of the practice of tenants sending threatening letters, and very terrible pictures are drawn for us in the landlord press of these threatening letters. You read that on a big sheet of paper the landlord receives a notice, and on the top of this paper there is a drawing representing a coffin and cross bones, and a skull; but I would remind you that there is such a thing as the landlord's threatening letter, and instead of being written it comes printed on paper in the shape of a writ, and instead of the skull you find the device of the Lion and Unicorn; and I say that this means of striking terror is far more contemptible than the means adopted by the enraged men striving in spite of difficulties to retain possession of their little homes.

My Lord, I have two circumstances which I would wish to deal with to show to what extent the denunciation that did take place was intended to be effective when the interests of supporting the Land League movement would be likely to be effected. I must recall the action that was taken by Mr. Davitt when a very practical matter was brought to his attention, and see how he acted upon it. As I have said, I have read the speeches of Mr. Davitt in November and December in contrast with the absence of speeches by others, and I gave Mr. Davitt the measure of acknowledgment of those speeches to the full extent to which I thought I ought to go. My Lords, I am afraid that as the objection to crime was placed on the ground of policy, so Mr. Davitt, determined man as he undoubtedly is, was anxious to secure the attainment of his object, if not by crime that would affright the public, at least by action that would cause intimidation; and I find foundation for that conclusion at which I have arrived, by reading the proceedings in connexion with the boycotting of Mr. Hegarty at this very time, December 1880, and the course pursued by Mr. Davitt at that time also. Your Lordship will find the evidence I am referring to, which I will summarise with your approval, at p. 1305.

Mr. Hegarty was a person residing, as your Lordship will recollect, at Mill Street, in the county of Cork. He was a well-to-do man as a trader, and notwithstanding the suggestion that was made, a man who apparently stood well with his neighbours, until he was subjected to condemnation by the sentence of the Land League, and having been attracted, as others had been, by some of the attributes of Mr. Davitt's character, he selected him as the person to whom he would appeal, and your Lordships will recollect that on the 26th December 1880, Mr. Hegarty wrote the letter to Mr. Davitt, which is set out at page 1305. He tells his tale, and the case that he presents to Mr. Davitt is that he having lived in that neighbourhood and having spent every penny he ever made, as he says, in procuring employment for the labourers and artisans in the district; having given away the large sum he mentioned in the letter to secure that employment, he then says, that he living there and carrying on a trade, has been subjected to a resolution of the Land League that he should be boycotted. He says it was opposed by the chairman, he believes, and the chairman asked him for reasons. The reasons were not given. Then he has to tell Mr. Davitt of his certain fate. The fate is ruin to him if interference does not take place, interference by the central body, which Mr. Davitt at that time certainly was the most prominent, and probably the most active person in managing. What occurs? Mr. Hegarty receives no reply. Mr. Davitt, I presume, must have treated this letter as a letter written to him as one of the executive body or one of the secretaries of the Land League. It is

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admitted that Mr. Hegarty gets no response. Mr. Davitt says that he wrote to the president of the Land League. Mr. Hegarty's letter is at page 5699. Mr. Davitt says that he did not reply to Mr. Hegarty, but that he wrote to the President of the Land League making inquiries. Well, my Lord, it is very far from my wish to conduct this case in the way in which one conducts ordinary cases of conflict between parties; but Mr. Davitt knows who that gentleman is, or was, and he knows where he is and what has become of him as far as I know. I have heard no account of an application to obtain that letter, and that letter has never been heard of. We can find no trace that he did receive it, for this reason; there is a letter published in the "Irish World," which your Lordship will find at page 5755, from the secretary, president, and treasurer of the Millstreet Land League, and denouncing this Mr. Hegarty. Its date is within four months or so of this occurrence. This is the way in which the president, to whom Mr. Davitt either says he did write or thinks he wrote making inquiries, replies of Mr. Hegarty:—

"From his increasing tyranny and intolerance, his oppression and enmity to the Land League, he has been most thoroughly 'boycotted.' He has also been beaten in the poor law board. He instituted Crown prosecutions against a number of our people for alleged boycotting, and succeeded in getting two of our best men imprisoned for a year. The evidence was very weak, but this viper has so much influence at the Castle (it is even said freely that he has a yearly pension since 1867) that in the present state of the country he, by the judge's charge chiefly, succeeded only too well. On Friday, March 25th, when the evil tidings were known, a tremendous crowd attacked his house.

"That was to show their sympathy with the prisoners, who are men of good families here, but I am sorry to say that their present circumstances are anything but flourishing. The effect of taking them away at present is simply ruinous to their wives and large young families, if the generosity of their countrymen at home or abroad does not come at once to their assistance. From the start of the Land League those two men have been foremost in the good work, sparing neither time nor expense. They were true to the backbone and incurred the hate of Jeremiah Hegarty. Their relations are all true men. No expense has been spared in defending them."

Well, my Lords, now we know who the president was—Mr. John Rorke. He has not been called as a witness before you. The letter that Mr. Davitt had sent is not produced; the recipient does not say he received it. Did Mr. Davitt receive any reply to it? I do not say that we should apply the same rule to our fellow men as would regulate our own conduct. I do not say that every letter is to be kept. I do not treat it in the narrow spirit of ordinary advocacy. Mr. Davitt might easily have made away with any such letter. The letter was written on the 26th December, and Mr. Davitt was still in public life till the 3rd February, but I do not understand he says his memory was that he received any reply. I am aware of Mr. Davitt's life, and I do not suppose for a moment that he docketed and kept it like other people would, but he says he never got any explanation. I understand that all he knows and thinks is that he wrote; but we subsequently have had no explanation, and when that is called to the attention of the first representative of the Land League, nothing was done, or if something was done, a letter was written to which no reply was given, because it would have no influence on that branch of the Land League, and it must have been known that that branch of the Land League could not have been influenced.

(*The President.*) I see this matter was discussed at page 5700, and I intervened. I said:—

"I have said you are not entitled to say that; the object is to know the name so that the person may be called."

(*Sir H. James.*) I quite agree, and perhaps I ought not to have read the letter which follows, but it is signed John Rorke.

(*The President.*) It was not in reference to that letter. It appears that Mr. Davitt said at the time, I wrote to the president. He does not say that he ever received an answer; he said that he had made inquiries, and learns that a letter from him was received; that is the substance of what Mr. Davitt said then.

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(*Mr. Davitt.*) I think Mr. Hegarty when in the witness-box admitted that the president of the branch of the League in Millstreet denounced the boycotting of Mr. Hegarty.

(*Sir H. James.*) He opposed the boycotting resolution, but not after the time, the 26th, when the letter would come—I think not.

My Lords, of course I wish to give full effect to what Mr. Davitt said; he said he did write, and he made inquiries since. Of course those inquiries—again repeating what I said about not wishing to refer to technical objections—those inquiries made were inquiries from the President, and, as I understand, Mr. Rorke is a living person who was acting in the interests of the League.

Now, my Lords, let us see the effect of this. I quite admit these acts may not be traced to the extent of affecting with pecuniary liability for crime Mr. Davitt; but there is a secondary liability affecting him, I think, in a major degree, and his colleagues in a minor degree. Mr. Hegarty tells him of this boycotting; he tells him of the intimidation used, and likely to be used, and asks for interference. My view is that the probability is, and I think Mr. Davitt's recollection is that there was very little interference, and I think none. What took place? There comes violence to his brother-in-law; attacks on his labourers, caretakers; houses wrecked. In 1885 shot at in 1887; a second time shot at; life attempted to be taken twice over; and even his relatives, his brother-in-law, and servants, and caretakers all attacked with violence.

(*Mr. Davitt.*) Will you give me the date?

(*Sir H. James.*) I have given the date of the two attacks, 1885 and 1887. In the intermediate time he had to be protected, and was protected. What is the result? When opportunity occurs, the man is shot at, and thus we find all the events occurring at this time which could have been checked if the means I shall have to point out to you, Mr. Davitt afterwards pointed out ought to have been taken, and were not taken, had been brought into effect. And thus it is that I am suggesting the responsibility of that sad increase of crime which we shall have to place conspicuously before your Lordships, was brought into existence.

My Lords, I have only now to remind you, before I go to another subject, that steps are alleged to have been taken afterwards to prevent crime. The fact was, as you will recollect, Mr. Davitt ceased to be in power on the 3rd February 1881, and as I said, my Lords, his release not having been ordered until the 10th May 1882, there is a long interval of time unaffected by Mr. Davitt's presence and by Mr. Davitt's influence. Upon his ceasing to take this active part in the affairs Mr. Dillon was appointed to succeed Mr. Davitt, that is found stated at page 2913. My Lords, the mantle—it was a scant garment, I am afraid—the mantle that had existed on Mr. Davitt's shoulders did fall, such as it was, on Mr. Dillon's. Mr. Davitt had used these speeches of policy, as I have termed them, to denounce crime. What did his successor, Mr. Dillon, do? My Lords, the record of those speeches has to be traced, and I am afraid that whilst we can find words pregnant with physical force of Mr. Dillon's in the House of Commons, and while we shall have to point to a speech here and there, even in one of the speeches to the young men, at a date after he had become the successor of Mr. Davitt, your Lordships will search in vain for speeches of the character of his predecessor. You will seek in vain for speeches on the ground of policy asking that crime should be discontinued, and there was a perfect cessation of anything, as far as I can discover, approaching an authorised attempt, or an attempt rather upon authority, to stop this crime.

My Lords, I think it was in Mr. Davitt's evidence there was one document relied upon; it was not, if I recollect rightly, relied upon by my learned friend, Sir Charles Russell, or Mr. Parnell, but Mr. Davitt, coming to the aid of his colleague, in his evidence, had produced a document of the 19th February 1881. My Lords, that is relied upon as being a proof that the conspicuous leaders of the movement were seeking to stop crime. It is at page 6475 Mr. Davitt put it in; it is in his speech. It was a document that was issued by some of the Irish representatives on the occasion when the Speaker, in the exercise of the power he claimed in the House of Commons, had suspended the Irish members on the ground of their obstructing public business. No doubt that was a matter that would attract some attention in Ireland. It would suggest to some people in Ireland that they were at that time deprived of their representation practically, and I daresay, my Lords, that the managers of the Land League, the supporters of Mr. Parnell's movement, were very desirous that there should be no

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precipitate outbreak; they were very desirous indeed that the active wing of the army should not take a false step in breaking out into acts of disorder.

My Lords, I cannot suppose that that suspension of members would be likely to cause any human being to commit isolated or individual crime. You cannot suppose that because Mr. Parnell, Mr. Biggar, and others had been suspended in the House of Commons, that the moonlighters of Kerry would go and burn down another person's house or would fire at another man's legs in his house, what was anticipated was that there would be something like an exaggerated riot, or an outbreak, as a protest against the interference in Parliament of Great Britain and Ireland with the presence of the Irish Members of Parliament, and so my Lords this document was issued, wisely issued I have no doubt. It is signed by Mr. Parnell and 26 or 27 other Members of Parliament, Mr. Biggar and others. These words do occur in this document after stating that there had been a suspension of the members, the signatories, there come these words:—

“Fellow countrymen,—We adjure you in the midst of these trials and provocations to maintain the noble attitude that has already assisted your ultimate victory, to reject every temptation to conflict, disorder, and crime, and not to be terrorised by the brief reign of despotism. If you be true to yourself your triumph is certain.”

That is put forward, and gravely put forward as a denunciation of the crime with which we are dealing. Does it mean that the criminals who all this time in February 1881 were piling up their crimes, that they had preserved a noble attitude, they were not the class of men to do that, they were men who had sheathed their swords, and buried their rifles for the moment, and had not broken out in revolutionary movement, but the word “crime” although they used it, I do not know that it meant high treason, is a word which is associated with conflict and disorder, and does not refer, and cannot refer to the acts of moonlighters, the men who were committing this agrarian crime, which is in the schedule before your Lordships. As I have said, and I desire, if I can, not to be guilty of repetition, this crime would not be increased by the suspension of members, there would be no addition to those columns of crime, because the Speaker suggested there had been too much obstruction in the House of Commons. It might possibly have moved men to arraign themselves against an act which interfered with the national representation, but it could not have moved individuals to maim cattle, or to send threatening notices to other people, or to injure another individual who was their neighbour.

My Lords, as far as I know this forms the history of the denunciations of crime at the end of 1880 and immediately at the beginning of 1881, and now, my Lords, I come to quite another question, and a question which to me seems one that is comparatively full of interest. We are upon the inquiry how came these crimes to be committed, and who committed them? In the course of his speech my learned friend propounded to you a theory in answer to the charge that was made against his client and those gentlemen who were associated with Mr. Parnell. It was a theory, which as far as I know, was mooted for the first time. We had not heard it before. I think the public had never heard it. We had heard a contradiction of it, but we had never heard any suggestion of it, and that theory your Lordships will recollect, was that the crime had not been committed by members of the Land League, it had not been committed by those who were anxious to carry out the objects of the Land League, it had been committed by the enemies of the Land League. That was my friend's proposition. The enemies of the Land League, said my learned friend, are secret societies and I suppose evolved out of distress, coming from distress, secret societies came into existence in 1879 or 1880, arrayed themselves against the Land League, true as Mr. Parnell says, carrying out the objects of the Land League and yet as enemies of the Land League, defeating the Land League by carrying out its object and defeating the Land League by being in array against it. I pursue this subject with some interest; it is partly historical, and it is certainly not without its interest; but a more unfounded suggestion, if you examine the evidence and look at the probabilities, could scarcely possibly be made. The fact was, I mentioned it before, that my learned friend had acquired possession of Sir Cornwall Lewis' book, as I have said, in respect to the tithe agitation, and giving a retrospective history of secret societies. Sir Cornwall Lewis was writing of a time

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even at the time he was writing, a century old, and he was giving almost a list of the numerous secret societies that had existed in Ireland. He gave their different names I am speaking from memory, but he spoke of the Whiteboys, and Righters, and Hopeboys, and Steelboys, and Peep-o'-Dayboys, and Thrashers, and he gave my Lords a very numerous list indeed of these secret societies, but in giving this account Sir Cornwall Lewis also gave the account, that speaking of 60 years past that time, and referring to the long list given by the then Mr. Matthew Barrington, at page 107, he also puts this forward that the societies were always of a local origin. Your Lordships will find that particularly stated in the account given by Mr. Dillon at page 193.

He is speaking of certain organised secret societies, and he says:—

“ I think it is the ebullition of different portions of the county on account of local grievances. There is a general organisation in the county; the oath taken in one part of the county frequently differs from that taken in the other parts of it.”

And so it is, my Lord, you will find that these local societies are subject to two conditions. First they have a name, secondly they have a local habitation. They have those two conditions, they are formed to redress local grievances. We had the last, as far as we know, of what are called secret societies in the Ribbonmen of Westmeath. Even that was local, although it was the most widely-spread organisation except the Whiteboys in olden times, that probably has ever existed in Ireland. Well, my Lords, we have heard what became of the Ribbonmen. We have heard, and I will refer to it hereafter, how a bishop of the church, of great influence, appealed to them and stayed the existence of those Ribbonmen, and that would be after the inquiry of the secret committee in the House of Commons in 1870. Even that well-planted body, the Ribbonmen, had ceased to exist, and so, my Lords, when we approached this time, first upon the testimony, and the overwhelming testimony, of those persons who knew Ireland, on the absence of testimony, and overwhelming fact of persons like Mr. Davitt who also knew Ireland, secret societies did not exist except in the reflected vision of my learned friend Sir Charles Russell who has been much studying the book of Sir Cornwall Lewis. My Lords it is necessary to account for what did exist to give your Lordships a short sketch of the body out of which these secret societies sprung, and no doubt out of the men who formed these midnight bands many societies were formed. Of course we have to deal with the body which existed in Ireland, namely the Fenians, every now and then the term secret society is applied to them. Well, without doubt they were a secret body, they had a secret oath, but I do not think that anyone in speaking of the secret societies of Ireland referring to the class of local bodies to which I have made reference, would for one moment include the larger body which had no doubt had no local limit, but was general as far as it extended throughout Ireland. A word or two for the moment as to the constitution of the Irish Republican Brotherhood itself whilst part, as I have termed it, of the narrative affects secret societies, this constitution of the Irish Republican Brotherhood of course affects many considerations in this case. We have to bring it under the same government as the Clan-na-Gael in America. We also have to establish that it is one wing more or less attached according to the views of the persons in this case—one wing of the army of which Mr. Parnell is at least the nominal commander, and therefore, my Lords, it is no waste of time for us to see what is this Irish Republican Brotherhood, and of what it is composed. I take it that I am rightly stating the condition of that body when I say that under its first name the name of Fenians, it formed a body of Nationalists, who prior to the year 1867 had a man named James Stephens at its head. Some events happened such as the raid upon Chester Castle. There were foolish, I should think every man would agree now, outbreaks, there could have been no chance of their being successful, and they were foolish fiascoes with nothing that represented substance in them, so that after 1867 there was a time when this Fenian body was reduced to a condition of great inactivity, and of small proportions. There is a slight question between Mr. Davitt and Mr. Matthew Harris as to the name this body bore, the Irish Republican Brotherhood, but I think from what I see of other matters that Mr. Harris's account (it is a matter of very small importance) is more likely to be correct, and the evidence that Mr. Harris gave at page 6047, does not quite accord with Mr. Davitt's view which he gives at page 5617, which is, that

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[Continued.]

the Irish Republican Brotherhood followed, so far as name was concerned, the Fenian body, but they are identically the same body only under different names. Now, my Lords, what was this body for? for what object did it exist? That, as I said before, it was a treasonable combination of course is admitted, and, as Mr. Davitt said, if he thought that one mode of effecting the objects in view failed, he would advert to another. Men speak now openly of having belonged to that body. I do not wish to make comment for one moment upon this fact, except that we must take it they that the body was secret, that they did not wish it to be known; in fact, would have been found guilty of treason felony if they were known that one of them belonged to this body, and so we take it that it was a treasonable body I wish to deal with its constitution for the purpose of establishing one fact. I take it that the members of this body were willing to confer upon certain men, their executive council, the power of committing murder, that they authorise them to commit assassination, and that assassinations were committed, although that is, I quite admit, not proved in this case. We have traces of it which cause us to say that assassination was not only likely to be committed in accordance with the constitution of this body, but we have traces that such did take place. The question whether this power did exist or not depends upon one or two documents that we have now before us. Partly on that and partly on evidence. I take it on the evidence which Mr. Matthew Harris gave at page 6048, that it is clear that in 1870 the constitution of the Irish Republican Brotherhood was amended, and we have documents showing what that constitution was, and I think there has been a little misapprehension as to its nature and character. We had, your Lordships will recollect, at page 2122, a document put in headed "The constitution of the Irish Republican Brotherhood." I do not know whether that document is to be treated as one or as two, and it is not very material; but I ask your Lordships to note that which has hitherto not been noted, and I think it must have escaped the attention of Mr. Davitt, when he was giving his evidence, that this document whether it be two or one document, has at least two objects in view. The first portion of it, if your Lordships will look at it will be found to hold the constitution of the Irish Republican Brotherhood and it contains matters which would be of importance, affecting the whole of the Brotherhood. You have the oath, an oath by which the person swears that he will do his utmost to establish the National Independence of Ireland and that he will bear true allegiance to the Supreme Council of the Irish Republican Brotherhood and government of the Irish Republic and implicitly obey the Constitution of the Irish Republican Brotherhood and all superior officers. Now, my Lords, until we come to the middle of page 2123 all those provisions affect the body generally, but we come to a second branch, or a second document, I do not know which, headed "Amended Constitution," not of the Brotherhood but of the Supreme Council of the Irish Republican Brotherhood and Government of the Irish Republic. Now, my Lords, of course the Irish Republican Brotherhood as a whole had no power or authority given them to commit murder, but that power was given to the Supreme Council; and here, my Lords, we have Rule 15:—

"The Supreme Council shall have power to award capital punishment only
 " in cases of treason, and the crime of treason is hereby defined as any wilful act
 " or word on the part of any member of the I.R.B., or of the Supreme Council
 " calculated to betray the cause of Irish independence and subserve the interest
 " of the British or any other foreign government in Ireland, to the detriment of
 " Irish independence."

Well, my Lords, addressing you, the Judges of the Queen, it is of course most unnecessary for me to point out that these are powers conferred upon certain selected persons, the power of determining whether their fellow man has, in their opinion, done anything which shall be injurious to their body, or being a traitor to it, and if they should think so, they may cause him to be assassinated. That is the result. And I am putting to you that forms a part of the power which is given to a member of the Republican Brotherhood, a delegated power, though it is not a power to be exercised by all, yet a delegated power to certain persons. Now there is another document which does not contain this 15th Rule, the authority of the assassination. It was a copy that was found in Walsh's house at Rochdale in February 1883. That document could not

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contain the assassination clause; the beginning of it is at page 2370. It is not the government of the Supreme Council at all; it is only in the government of the Supreme Council where you find the authority existed as in the copy before you. This is the same as the first document which I have quoted. It either affects the north of England branch, or it affects the body generally; but it does not touch the Supreme Council. Your Lordships will see that.

(*The President.*) I have not got that.

(*Sir H. James.*) It commences at page 2390, and ends at 2375. That could not contain the rule, because it has not anything to do with the Supreme Council. You will find the duties of centres, war material reports, auditing accounts, and so forth. It has nothing to do with the Supreme Council. There is a third document that is found at page 2594. There is a copy of the constitution of the Irish Republican Brotherhood which was referred to. I do not know whether it is put in by way of appendix, but that was not put in. It was referred to, and possession seems to have been taken of it by somebody. The witness says "you have got the copy here. It need not be put in at present. You took some copies." It is not very material, because I am not alleging the power is in that constitution at all.

(*The President.*) The document in which it appears, and in no other, is the amended constitution of the Supreme Council. It is the only document in which it appears, and your observation is, it is the only one which relates to the Supreme Council?

(*Sir H. James.*) Yes, my Lord, I am obliged to you for relieving me of that. That is the whole point which I wish to bring before you. It is the Supreme Council constitution, in which it would be found; because the Supreme Council had the power. It would be the same if you were laying down a constitution to regulate the power of directors or shareholders in a company. You do not on the constitution of the shareholders say what the directors are to do. If you have a separate constitution for the directors, you will describe in that what they are to do. And in the constitution of the shareholders you will provide there what they are to do. And here you have the constitution of the Supreme Council.

(*The President.*) I daresay you are going to comment upon it, but the observation to be made upon it is, "It is an amended constitution." Therefore it would apply, it might have been said, and I would add, that both Mr. Davitt and Mr. Harris say, there was no such clause in the constitution of the body that they joined.

(*Mr. Davitt.*) I drew attention to the one that appeared in the "New York Herald," I handed it to the Attorney-General during my examination, my Lord. It appeared in the "New York Herald" for 1880. I handed it to the Attorney-General, but I have not seen it since.

(*Sir H. James.*) Is that it (*passing a document to Mr. Davitt*)?

(*Mr. Davitt.*) Yes.

(*Sir H. James.*) The same point arises—that is not the Supreme Council Constitution; that is the reason why it is not, from all our points of view, so much of importance. That is agreed. My Lords, of course I am aware what these gentlemen have said; but I would say to everyone who has been on that Supreme Council, and may I ask is it not a reasonable observation to make—why is not the constitution produced? My Lord, the men are living who formed the Supreme Council and who were subject to the rules. Where are these rules? One other objection is taken as to its being correct. It is scarcely reasonable to suppose it can be falsely printed. It must be said that it was not accepted, or the amendment was not carried out. But knowing who the persons were of the Supreme Council, and knowing how much they were associated together, it is strange they cannot, any one of them, find a copy of that constitution and let your Lordships see it.

(*The President.*) There is another way of looking at it. It might have been introduced subsequently to Mr. Davitt's leaving.

(*Mr. Davitt.*) Certainly. Sir Henry James's remark does not apply to me. I produced a copy when I was in in February 1880.

(*The President.*) But that does not apply to the Supreme Council.

(*Sir H. James.*) That does not apply to the Supreme Council. It is responsible to the terms that have appeared before you, as the constitution of the whole body, or as I have argued it, to shareholders and not to directors. What we wanted to know was what the Supreme Council could do? Mr. Davitt was on the Supreme Council; Mr. Biggar was on the Supreme Council; Mr. Matthew Harris was on the Supreme Council;

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[Continued.]

Mr. Patrick Egan was on the Supreme Council; I think Mr. Brennan was too. Mr. O'Kelly was. It is strange that not one of these gentlemen can find, either by applying to any office, with a body still existing, with a Supreme Council still existing, that not one of them can produce to you the document which still exists. But there is evidence before us, there is evidence before us that such was the course of proceeding of these persons. We have two witnesses upon this point, Mr. Matthew Harris and Mr. Parnell himself. You will recollect Mr. Harris, being examined at page 6053, speaks of an opportunity of shooting a man. And your Lordship makes an observation upon it.

Mr. Harris says:—

“As regards the constitution, as I explained, my memory would not serve me now with reference to the various clauses.”

Your Lordship will note that:—

“but I recognise the style of the document; and I recognise also in the various clauses a practice in the movement with reference to the clauses which impose a penalty of death. The reason I doubt that so very much is this: it is so contrary to the spirit and practice of the Fenian organisation. The president of that organisation was Mr. Kickham, and there was an opportunity of shooting Nagle who was the most important informer who was ever connected with any Fenian or secret organisation in Ireland, and at the time when it was referred to *them*, whether Nagle should have been shot or not.”

This, my Lords, is the Supreme Council—

“Then when it was referred to *them* whether Nagle should be shot or not”—

(Mr. Davitt.) No, the Supreme Council was not in existence.

(Sir H. James.) Whether it was, or not, Mr. Davitt's suggestions are so frequently accurate, that I do not pass by them.

(The President.) The last antecedent is Fenian organisation.

(Sir H. James.) Then it referred to the President. It could not refer to the whole. Take it in doubt, if you please. It was someone.

“It was referred to them whether Nagle should be shot or not, and decided that the man was not to be shot, though his compatriots and himself were at the mercy of this informer, and the result of the mercy towards him was that he was transported for 20 years.”

That is Kickham—

“I could give a similar illustration with regard to myself, but I do not want to go into personal matters with regard to myself.”

Then your Lordship says:—

“(The President.) I cannot help pointing out that it was a matter discussed whether this man should or should not be shot.”

And then Mr. Harris explained:—

“The subordinates of the organisation got acquainted with him. They said if they wanted to see this man they would have an opportunity of seeing him in the yard he used to take exercise in. There was no discussion about it. They brought the information to Mr. Stephens, who was at that time the head of the organisation in Dublin, and he decided at once the man was not to be shot; he was to be allowed to live.”

I do not understand that that decision was on any broad principle that the shooting was wrong. The man being allowed to live was simply carrying out the laws that ought to regulate our conduct. It seems to be an exercise of discretion, whether this man was to be allowed to live or not. There are two other pieces of evidence to which I wish to refer. I am sorry again to refer to the document that I have already referred to, namely, the letter written long ago, as I said, in Mr. Davitt's absence, when he was a very young man. This letter that we have termed the “pen” letter—it is a letter that certainly shows, I am sorry to say, that it was a question then for discussion and

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contemplation whether a man should be assassinated or not. I will take for the purpose of what I have to say all that Mr. Davitt said about it. His account I will take. That he has told you in the box, and I say I will take it for the purpose of this hypothesis, that he, Mr. Davitt, wrote to this young man telling him not to do this act "unless he received Jem and Fitz's consent." And Mr. Davitt thought he could prevent the consent being given, and, therefore, prevent the act. But, if the consent had been given, the assassination was to take place. This is a Fenian letter, written by a Fenian (not because I do not know to whom it is written); note it may be, to a member of the Supreme Council, but written to a person who would act under the authority of the Supreme Council. Who Jem and who Fitz are we do not know. Mr. Davitt does not tell us. They may have been members of the Supreme Council; but the consent has to be given, and if the consent is given the assassination is to take place. And so, as I pointed out before, there was a contemplation that it should take place if the consent was given. But even the means of carrying that out is discussed, and the man is told to commit the assassination for prudence sake with one weapon and not with another. Is this a prudence outside of it, or not? I do not know that it makes much difference, still they are accepted hypothetically. This is discussed in the coolest way, without any exception being taken to the grim horror of assassination. But it is said:—

"Your life is so valuable we cannot lose you. It is far more unfortunate to our family you should be spared, even at the risk of allowing a rotten sheep to exist among the flock. Whoever is employed, don't let him use the pen we are and have been selling. Get another for the purpose, a common one."

As I have said, I have tried to look at this letter with no dark light or shadow upon it. But here it is. Here is a discussion as to the advisability of the assassination, and not as to its illegality and wickedness of it, but as to the prudent means to carry it out. I say of this letter—I will not say what Mr. Davitt says of it himself, but you will see that at this very stage, in answering the question 87,069, Mr. Davitt says:—"The reason why I wrote that stupidly criminal letter was this——" And he gives his reason. That is his language, not mine, why is that letter stupidly criminal? My Lord, if it was a letter of mercy, and a letter of mercy to prevent crime in that event, entering into no sympathetic view of the man who wrote it, assisting him in no way, under any contingency so as to advise him to act prudently. Why, my Lord, that would not have been stupidly criminal. But if Mr. Davitt has any justification for the way that he has used those words, it is—I do not wish to repeat what I have said—it is because the letter was recognising that within this Fenian body there was a probability that this assassination, this murder, would take place. Then it may be that the hypothesis of Mr. Davitt shall come in, and that he was placing before this young man views of prudence in his action, and not, I fear, the great and high moral standard of a sacred regard for human life.

My Lords, one other piece of evidence, and it comes, as I said, from high authority. Mr. Parnell himself. I need not say the young years of his life had nothing like the more stormy period of Mr. Davitt's. He had removed himself at that time not only from political action, and he had nothing to do with this Fenian body; but it so happened that in his much later life he must have associated himself with many of the leaders of that conspiracy; and he must have arrived at results not perhaps of that certain character to form the highest standard of legal evidence, but he must have arrived at results that probably may have been in substance as accurate as anything that would be subjected to that standard. And Mr. Parnell, speaking of this organisation, at page 4017, is asked this question:—

"Did you know by reputation, or what I may call general reading, how the Fenians treated traitors?—(A.) Certainly. I have always understood that they—and then he stopped and a suggestion a very leading question was put to him. (Q.) Shot them?—(A.) That they assassinated traitors. (Q.) That is to say a traitor to the Fenian cause, or a traitor to the cause. It was part of the rules of the Fenians. You understood that he was to be assassinated?—(A.) I have always understood that that was the only assassination they countenanced—the assassination of members of their own body who betrayed them. (Q.) The assassination of people whom they described as traitors to their cause?"

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“ (A.) Whom they believed to be traitors.” (Q.) I daresay you will have seen
 “ the rules? And he said, I have not.”

There, I admit, that must come from general knowledge, or general information; but it comes from high authority, and at least this observation must be made; that Mr. Parnell, acting upon his belief, was choosing as his more than lieutenants, as almost every important officer under his command, he was choosing as men to aid him, and men to carry out his wishes, men who did belong to this body which, according to his belief, sanctioned assassination.

My Lords, need I recapitulate their names? Mr. Davitt with all his wider, and as I have said, broader mode of thought in these matters; Mr. Patrick Egan; Mr. Brennan; Mr. O’Kelly; Mr. Biggar, had all been on the Supreme Council. It would have been to them, whatever we may think of technical proof of rules, according to Mr. Parnell’s account, that the power of assassination would have been confided, and the act of assassination carried out. And there had been assassinations in Ireland; and so it is, that this body, as it may have been, with broad views in relation to physical force as the fundamental portion of its creed, still took to themselves the power of taking away the life of any man that they believed to be a traitor to them, as far as we know without form or substance of trial—without investigation—without the first rule that has ever been applied to every person charged of being heard in his own defence.

(The President.) I do not know that it makes much difference, there is a provision that there shall be a regular trial.

(Sir H. James.) I beg your Lordship’s pardon. You see, according to Mr. Parnell, his only knowledge was from general information.

(The President.) I am alluding to what was in the so-called Constitution.

(Sir H. James.) I pass over the documentary proof; I assume that your Lordships see now it was not proved. I have been speaking of Mr. Parnell’s own statement. That is the effect he saw, and it was in relation to what he must have thought from association with the men, who could be so acted upon, and yet he was willing to enter into association with them, and be guided by them. My Lords, upon this point, as I shall have to show you, the United Brotherhood in America comes under the same governing principles while still deprived of the power that they had as to assassination for the murder of traitors. My Lords, their rules are before us at page 2458. Those rules, at least the constitution of the United Brotherhood, are of the year 1877. You will find Article 7 is—

“ The executive body is empowered to name three members of the United
 “ Brotherhood to act on a S. E.”

I believe that is revolutionary directions

“ In conjunction with three men named by the Supreme Council of the Irish
 “ Republican Brotherhood.”

Then there is a cypher—

“ Or B. under the following conditions.”

Then, my Lords, these are the conditions. I could not for the moment find one which I have now found. At page 2461 you will find—

“ Revelation of the names of the T.C. or of the S.E. by officers of D.’s or
 “ others acquainted with such names, shall constitute treason, and shall be
 “ punished with expulsion, and the person so expelled shall never again be eligible
 “ for membership.”

Then, my Lords, at page 2465, under Article 23, we have some punishment for :—

“ Violation of the Constitution ;
 “ Disobedience of lawful orders ;
 “ Conduct prejudicial to good order and the welfare of the organisations ;
 “ Malfeasance in office.”

And the punishments are given :—

“ Expulsion ;
 “ Degredation from office ;
 “ Suspension from membership for a specified period ;
 “ Reprimand.

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Then comes this very expressive power. I do not know whether your Lordships would wish to have it vested in you:—

“ Any severe punishment at the discretion of the control of the trial committee.”

That is an unlimited power of a severe punishment. My Lords, bearing upon this at page 2592, if you will kindly refer to it, you will find contained in a document a circular from the head-quarters of the executive body of the United Brotherhood a view that is entertained on this subject. In the middle of the page occurs this:—

“ As some fall, others gathering experience from disaster, will fill the moving ranks. While the great work moves on, in public and in secret, will the irresistible power of a force of nature to a triumphant issue, we will have our bull runs, our disasters, our failures, our partial failures, like every nation engaged in life struggles. With the persistent everyday energy, that greets disaster with a smile, and turns with greater determination from every failure we all yet snatch victory from the ashes of defeat. You will note with pleasure that the informer is foredoomed and that no man can betray and leave no hole too dark, no corner of the earth too obscure, or too far, to hide the spy and the informer from the avenging arm of Jshti (Irish) Nationality.”

That is retained in September 1883. Your Lordships know the date of the murder of Carey by O'Donnell. One sentence at the end also of this document is:—

“ Several brothers have written to inquire what action should be taken with men who give information to outsiders concerning the doings of the organisation and how to treat the outsiders who get and use this information. If men who profess to be revolutionists do not know how to act in such cases without writing to us, we are frank to say we have no faith in their carrying out any instructions which might be given to them. In countries where revolutions led to success such inquiries were never made, action was always taken.”

May I conclude this matter by making one more reference. At page 2680 a document has been read in which this appears. It is read in Le Caron's evidence:—

“ By a solemn decision ”—

I have to refer back to pages, I have been referring to 2591 and 2592—and then in that occurred this sentence:—

“ By a solemn decision of the highest authority in Fohmboe (*England*) presided over by her Chief Justice, we have compelled her to recognise a new epoch in the art of war. Had these men invaded Fohmboe (*England*) with a musket they would have suffered no less.”

(*The President.*) That is page 2680.

(*Sir H. James.*) I referred to page 2680, and it refers back in that passage to pages 2591 and 2592.

My Lords, I have finished now reference to this subject, and you see what time it is. May I mention, as the paper is here now, that very small matter about the “ Irish World's ” report of Mr. Parnell's Cincinnatti “ last link ” speech. I said to you, I have been informed; I have not seen it; the report was initialled J. W. F. The paper is here, and is the 6th March 1880, and the initials are J. W. F. The chairman of the meeting is Judge Fitzgerald.

My Lords, may I follow a precedent which I desire to follow, and make the same request which my learned friend Sir Charles Russell did, and ask your Lordships to give me to Tuesday. It is not as to the matter which I shall then place before you, that is at my command, but I think there are physical reasons why I should have a little rest, if your Lordships will allow me to have from now until Tuesday morning.

(*The President.*) Oh, yes; certainly.

[The Court adjourned until Tuesday next.]

Tuesday
~~Monday~~ Nov. 12. 1889

James still on the I.R.B. ^{and} S.C. Constitution.

624... 87094.. "Skin" and "Fitz" members of "S.C."

311... Carey's evidence quoted } all re "Assassination".
048... Extract "Irishman" }

721... "Transatlantic" again

878... Delaney's Evidence!

546... J.F.L. O'Brien

898... John O'Connor

470-2. Devoy (in '78 I.R.B. had 17000 men

4... '79 25000 "

744. Beach (Aug '81 39000 "

745. James corrects something said on Thursday about Biggar: James withdraws an expression that no one charged that murder was committed

James deals with the "H.B."

533... quoting from Beach Strength H.B. '78

457... "Constitution"

468... Quotation from R.B. evidence.

(Reference to my evidence)

547... Extracts from Evidence in a "Report"

Skirmishing Fund (Evidence upon)

467... Says started 1875.

(Quotations from Beach on Rossa re)

764... Objects: "S.F." (Boston "Pilot" quoted from)

468... Money given to Devoy & Millen for mission to Ireland.

3363... "Irish World" (28 Aug. '80) This article in actuality shows that "S.W." had ceased to advocate S.F.

James on O'Donovan Rossa: "Put one side" - "as an indiscreet dynamite."

2770... "Nation" account by Rossa: Quoting from N.Y. Herald

2812... " from an American paper: Rossa again on the "war path".
(Casual reference to the 408.)

1935... Letter from Davitt to Harris on Rossa

2662... Beach on Rossa's expulsion: ~~the~~ "Power wined away after '79"

2471... " on " again.

2737... Sep. '81 Report of Camp Raiding by Beach.

"A dynamite movement" described in this report.

"The Clan-na-Gael" the paymaster of the respondents before you."

338. Davitt's speech quoted from re/ Rossa re:

4095. Parnell on Rossa

Ends with Rossa

Patrick Ford

James paints Ford in blackest character - blames him for all "the dastardly Policy" denounced by Sir C. Russell.

2468... Reading from objects S. F. in J. W.

3360-3... 28 Aug. 80 article again referred to.

3946... 25 Dec. 83 Letter Patrick Ford, opening "Emergency Fund", quoted

from March 29th 84 article J. W. Hald
3951... "Success to the National League & to dynamite"
Ford on Parnell - Boasting that Parnell had not denounced outrages

5722... * 4th Sept. 1886 *

(Insert in part Sir H. James to read this) Bombardment of Alexandria

No proof that Ford sent these men to do this work.

5719... James Comment upon my testimony about Patrick

Ford. No murder was committed. No proof presented that

caused Council Ford of having sent any of dynamites to England.

5819 J. Byrne gives account "innocently" row.

2472 Devoy gives statement that Dublin, South & Wexford belonged to Stephens Party.

3707 } Rotunda meeting. O'Hanlon's achievement.

9 } manifesto J. R. B. This manifesto honoring J. H. James again

8895. Cashman's broth
Delaney's evidence about me & Rotunda meeting

4018 Parnell speaks of Fenians opposing him.

Davitt return from America, on outrages. Circular to organizers

5571. Davitt quoted from. This argument of James very far fetched.
Vast majority Irish people opposed to Secret

Societies
(any number of denunciations of Secret Societies in Speeches, Sermons
re letters &c.)

4261 Archbishop Walsh Secret Societies.

4125 Parnell

4120 "Dillon & Young men of Ireland" Fullway: Because some young
men join Secret Societies & therefore Dillon appealed to these

469 & O'Brien & U. Ireland. "When speaking generally of young men"

5610. Davitt's evidence on those who commit outrages

4176 Parnell

4165. Parnell admitting that "Moonlighters" were doing what the
Law League wanted not to be done - Stupid admission; but
reconcilable with innocence of L. League in matter of these crimes.

5291 Rev. P. O'Connor of Fives on Moonlighting.

5098. Ed. Harrington

4566 J. O'Donovan Tulla, Co. Clare, Commended for something

69616 Question - Had police protection for having denounced crime.

69375 - He disobeys the League

69461... Quoted from

This very evidence proves James wrong.

575. Fr. O'Donnovan on Moonlighters.
577. " " on Fenians
argues manifestly wrong - in saying that men whom Fr. O'Donnovan
said were not L. Leaguers were "Fenians" who committed outrage.

443. Irving's evidence. { "Societies" connected with outrage
540 Walsh

5797 London's evidence on Herd's League. Refer to R. J. C. Murphy
780-1. Murphy on Herd's League.
Comments on London's evidence.

2011. Capt. Phueket-
1221. Crane.
1117. Insp. Davis

Police witnesses.

James makes a "sacrifice" by passing over ^{more} policeman

"Calls witnesses" from other side - Parnell
412.2. "Parnell deceiving the House of Commons."
(The young lady with waterfall hair, sitting on Corner Jury Box
who always looks so appealingly to judges explaining James' point;
looked doubtfully & with great assurance when Parnell's description of House
of Commons was being dwelt upon)
James labours this admission of Parnell's very much
his action condemned more than the forgery of Parnell's name to the letters!
Cato quoted - against Parnell.

Matthew Harris: "Called again." on Secret Societies.

6060. "No other Secret Society" in Ireland 1879

6061. Matt's admissions: ... !!!

* "Responsibility for the crime." This not the charge.*

He now Deals with Evictions as alleged causes of
Crime.

3781. Russell quoted distress causes crime

3719. " " Evictions " " "
"Law League plan to cause evictions!"

4345. Dr. McCormack on Distress 1861-2

5462. Rev. Hewson. Belmullet

5049. Table put in by Ed. Harrington.

502
565
594
604
7234
4
1023
1416
2392
} Limited witnesses

Hussey eulogised by James.

3779. Russell on Hussey.

4072. Erections in Connought-

Figures can certainly prove anything from James argument.

1678. Denis Jety (R.D.C.)

545. } Notes

564 } Allan Bell on Lord Dunsinnes estate.

pg. Speeches: Bizzard ^{Speech} 21 Oct. '80

(Bizzard-Speech to much for day - who goes to sleep, he sleep
of course, of course)

Speech 12. Sexton James Holt

Dillon. Kildare speech ("Young men" speech)

Harrington, Healy.

"Pamell" at Ennis 26 Sep. '80

"Evil genius" of the Drama - Patrick Ford.

5397 - Cable July '81. read by Sexton

4030. Irish Ward on no

3382. Ford's story of no Rent Manifesto

no Rent- } Three Manifestos
Manifesto }
Belmont

4031 Egan } Egan's

3382. " } Ford's.

4033

2202 J.P. O'Connor Chicago on 'no Rent' policy

3386. J.M. Healy

3718. Russell on no Rent-manifesto

6108-9. Hannah Reynolds? Frank Byrne on ditto.

2586. Egan eulogising Ladies Law League

3408. Wm Redmond Scattering no Rent manifesto.

1446. 25 Oct. '81. Egan letter re/ Ladies Law League Erections.

1447. Mahoney letter

Miss White letter } Re/ costs

(This letter simply applying the conditions of a strike to the payment of rent
- those who stand firm, supported. Those who do not, not supported. James
elevates this letter above everything in the matter of "erecting" upon tenants.)

2868 Phillips documents

Letters gone over recommended upon by James.

2870 Letter. (Richones, landlord. He was examined here for Times.)

Post-hoc - ergo propter hoc / Other similar letters read & emphasised

re/- payment of
rent & erections re.

1967. Tyrrell

518. Lambert-

971. Someone writes to
Leonard. Saying it was
"Sentence of death" to pay
rent.

981. Leonard on Fr.
O'Connor.

"The Brazil" expression

5287. Fr. O.
X's on his
expressions.

1907. letter
from a
woman on
payment of
rent.

James B. Day
"Uncorrected Proof."

M. Davitt.

6757

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1.

Tuesday, 12th November 1889.

(*Sir H. James.*) My Lords, there are some fragments of references that I should desire to place upon the notes, if your Lordships will allow me so to do, relating to matters that we were immediately discussing on Thursday last.

With reference to the amendment of the constitution of the Irish Republican Brotherhood, may I remind your Lordships that Mr. Matthew Harris was acquainted with that amendment being made, for at page 6048, Question 94,525, the question was put to Mr. Harris:—

"Can you tell me about the time when it was amended.—A. It was amended in the year 1873."

Which was the date I suggested to your Lordships as representing the amendment contained in the document which has been in evidence before you.

Then, my Lords, this is also with reference to the amendment of the Irish Republican Brotherhood. Mr. Davitt suggests to me, with accuracy, that it is not an amendment of the Supreme Council; it is the amendment of the Irish Republican Brotherhood.

Then if you will turn to page 5624 you will find a reference there at Question 87,094. I stated my proposition, my Lords, rather lower than I need have done, that there was no evidence whatever that the two persons mentioned in the letter to which this evidence referred, were or were not members of the Supreme Council of the Fenians. My Lords, you will see by the answer which was given that the two persons to which I am referring as mentioned in the letter were both members of the Supreme Council.

Also, my Lords, I wish to refer you to page 3311, and I am now giving to you traces of the assassination committed by the Fenians. At the head of page 3311 is an extract from the evidence of Carey:—

"Now you have said that you were there for a long time, there as treasurer; so long as you were there as a purely Fenian organisation, what state were the funds in?—A. Always in a very bad state.

"Q. And during the time that you were there as the treasurer of a purely Fenian organisation, what body did you call yourselves?—A. The Irish Republican Brotherhood.

"Q. Did you ever try any person by court-martial?—A. Several.

"Q. Up to this time—in 1879 or so—what class of persons solely used you to try by court-martial?—A. Informers only."

Then, my Lords, in the same direction, at page 4048, is an extract from the "Irishman" of the 22nd September 1883 at the time that it belonged to Mr. Parnell, and was edited nominally at least by Mr. O'Brien.

"Money will not be wanting for O'Donnell's defence. The "Irish World" collection alone amounts to 5,000 dollars. If the defence needed 100,000 dollars it would be subscribed in a week if necessary. In all parts of the world the Irish would contribute their last shilling to save the life of the man who committed the most popular murder since Talbot was shot in Dublin."

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SIR HENRY JAMES.

[Continued.]

On the 25th March 1882, my Lords, at page 5721, there is a letter from Transatlantic in the "Irish World":—

"Bailey, who informed the Dublin police concerning deposits of arms and ammunition concealed in the premises of the Whelans, of Kevin Street, Dublin, came to an untimely"

Then, my Lords, there is a hyphen—

"an informer's—end the other night."

Then the description gives an account of the finding of the body, and the wound.

"The man has been recognised as Bernard Bailey, a bacon curer, who gave information as to the Fenian store of arms seized in Kevin Street last December. Bailey had been under police protection until about a fortnight ago. He leaves a wife and four children. No arrests have been made."

Then, my Lords, at page 1878, near the bottom of the page, Question 35,202:—

"In other words, the Fenians were a body who went in for open fighting for their country as they believed?—A. Open."

That is the answer of Delaney.

"They were not an assassination society?—A. No, never, except one that gave information against them.

"Q. They would treat traitors to their own body, but as regards the outside world they were not an assassination society?—A. No.

"Q. Something very different from the Invincibles?—A. Different altogether."

I would simply ask your Lordship to look at the passage I read from Mr. Parnell, where he said that Fenians assassinate traitors. He also states that they were not a body who would commit assassination, which is the part I wish to impress upon you.

Then, my Lords, treating it very briefly, may I ask your Lordships to note that Mr. Xavier O'Brien at page 5546 also says:—

"The Fenians as Fenians, when they were governed by the Executive Council, did not form a society for the commission of outrages."

Mr. Davitt asks that I should read a little of this. The questions put to Mr. O'Brien are these:—

"Were you on the Executive Council?—A. I cannot answer the question.

"Q. Did you take an active part in the Council, that is not a secret, in that Council of the Fenian Brotherhood?—A. I decidedly did, as active a part as I possibly could.

"Q. The part you did take was made public; we know what occurred. You were taken with arms in your possession?—A. Yes.

"Q. It was open warfare?—A. Yes, I was tried for high treason, and that could only be for open warfare, I believe.

"Q. Now, Mr. O'Brien, I am at one with you. The Fenians, as Fenians, when they were governed by the Executive Council, did not form a society for the commission of outrages?—A. Certainly not."

My Lords, Mr. John O'Connor in a like manner, at page 5898, speaks of the notions in respect to Ireland, speaking of the Fenians that they were of a chivalric character.

My Lord, in respect to the strength of this body, we find evidence of it in the report of John Devoy, which you will recollect reached the Convention in August 1879. In that report, which commences at page 2470, I am reading at page 2472, Devoy gives the numbers in 1875 and 1879; he puts them (at page 2474) in 1879 at probably 25,000. That is the section of the Fenian body under the Supreme Council, and he hopes for 50,000. Le Caron, at page 2744, speaking of a date of August 1881, puts the Irish Republican Brotherhood of the Fenians at 39,000; a number which would agree with the estimate of Devoy as to the numbers of 1879, coupled with his hopes of increase to 50,000.

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[Continued.]

My Lord, there is one passage that I, in the note of my address to you on Thursday last, which I certainly wish to explain, and not allow to remain as it is. It occurs at page 6745, when reading a certain speech of Mr. Biggar, in which speech Mr. Biggar had said the League never recommended outrages of this sort. "The League has been charged with recommending murder," and then he proceeds to deal with what he calls the *bond fide* outrage, the maiming of cattle, and murders. And as I pointed out, did not denounce anything else. I see I used the phrase there, "No one is talking of the League recommending murder." That phrase of mine is applicable and applicable only to this very speech of Mr. Biggar. It is not applicable and does not apply according to the view I desire to recommend to your Lordship, either direct or indirect, to the whole of the evidence of this case. My mind was entirely bent to what Mr. Biggar was speaking about, and to that alone.

I now proceed to deal, if your Lordship will allow me, with those bodies which I introduced to you for your consideration, when endeavouring to point out to you what were the secret societies existing in Ireland during the years 1879, 1880, and the subsequent year. My Lords, I have been dealing with the Irish Republican Brotherhood, the corresponding body, the body in entire correspondence in America to the Irish Republican Brotherhood in Ireland. At page 2533 we learn the strength of that body. In November 1877 it amounted to some 10,900, which in 1879 had reached 11,539. Your Lordships will find it in the table that is put in there. We shall find it a body that increased in numbers; but that was the nature of the body in America in respect to its numerical strength.

At page 2457 you will find the constitution of this body proved. It was an amended constitution in 1877, and the objects are set out on the page I have referred to. I read them as being five.

First, total separation of Ireland from Great Britain;

Secondly, the establishment of a republic in Ireland;

Thirdly, to prepare unceasingly for an armed insurrection in Ireland;

Fourthly, a declaration that there shall be no interference in politics; and

Fifthly, to act in concert with the Irish Republic Brotherhood in Ireland.

Then occurs these works:—

"And assist it with money, war materials, and men."

And at the next page, if your Lordships will look, you will find the objects:—

"In order to combine the whole Jojti (revolutionary movement) all over the world into one compact confederation, acting under a common head, so that it may be capable of acting with vigour and decision against the power of Johnboe by securing concert of action and concentration of force between the scattered divisions of the Irish race, the I.C. is empowered to name three members of the V.C. to act on a S.E."

which I read as revolutionary directorate—

"in conjunction with three men named by the S.C. of the J.S.C. and one by"—then we have some cypher, the executive it probably would be—

"of B. and O.A. under the following conditions."

Then comes the conditions as to drawing lots.

Your Lordships will therefore see a point of junction, first in object, secondly in the government. There being an active body, acting in concert and together—three named by the named Brotherhood or Clan-na-Gael of America,—three named by the Supreme Council, and one by the executive, so as to have a casting vote. Then confirmatory of the view I am presenting to you at page 2468, Le Caron said in answer to the question—

"Were the members of the I.R.B. and U.B. connected in any way?—A. Yes, they were one.

"Q. One organisation, but the U.B. was the name in America, and the I.R.B. the name in Ireland?—A. Yes.

"Q. Were the members interchangeable?—A. Yes, by a system of transfer."

somewhat confirmatory of Le Caron's evidence, perhaps it may be recollected, Mr. Davitt said when he was visiting America by virtue of having been at least till a

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[Continued.]

few days or weeks before, a member of the Irish Republican Brotherhood—or a member of the Supreme Council, I understood him—he obtained entrance to the meetings of the Clan-na-Gael—to the camps of the Clan-na-Gael—to enable him thereby to affect their judgment. To show united action, at page 2547, we have proof of a peculiar mode of joint action. This is a report by the Committee on Foreign relations of the Clan-na-Gael.

“The envoy from the F.D.”

that is Supreme Council.

“The envoy from the Supreme Council having reported to us that our brothers have established a special department for instruction in engineering, chemical, and mining and other branches of the higher and technical departments of warfare suitable to the advancement and inventions of the age, we earnestly recommend the like to be found in the United Brotherhood.”

My Lords, this being simply introductory matter as to the foundation and the constitution and intended action of the Clan-na-Gael, I pass away from it at this moment, without tracing its action in the years with which we have to deal and now call your Lordships' attention to another secret body, and trace the foundation of that body, and also the principles on which it was founded, I mean the Skirmishing Fund. You will find evidence of the character of this fund at page 2467. I know no earlier date at which to attribute the first existence of the Skirmishing Fund than the year 1875. Le Caron was asked at the page I have mentioned to you—

“From 1875 to 1877 what was the work of this organisation?—A. Increasing the organisation, subscribing money, attending meetings, shipping arms to Ireland through the accredited agents to the organisation. That is about all.

“Q. Had you anything to do with any part of that work?—A. Personally, none at that period.

“Q. You only knew of it as a member of the organisation?—A. Yes.

“Q. Did you know Rossa?—A. Yes.

“Q. Personally?—A. Yes.

“Q. Was Rossa a member of the V.C.?—A. He was at that time.

“Q. At what time?—A. Until the year 1876, when he was expelled from the organisation.

“Q. Just say the reason why he was expelled?—A. I should like to correct that date.

“Q. Yes; what correction do you wish to make?—A. His expulsion from the organisation did not occur in 1876, it occurred in the year 1882.

“Q. Then I will not ask you the cause of his expulsion. I will come to that in order of date. Was there a fund—I am speaking of what you know as a member of the organisation—called the Skirmishing Fund?—A. Yes.

“Q. Who were the trustees of that fund?—A. At what date.

“Q. In April 1887, or rather, I ask, who had been trustee up to 1877?—A. Nobody.

“Q. Were trustees appointed in 1877?—A. Yes.

“Q. In what month?—A. I think in the month of August, or later.

“Q. However, sometime in the year 1877?—A. Yes.

“Q. Who were the trustees?—A. John J. Breslin, John Devoy, and William B. Carroll.

“Q. Is that Dr. Carroll?—A. Yes; James Reynolds.

“Q. Anybody else?—A. O'Donovan Rossa, Austin Ford”——

Austin Ford, your Lordships will recollect, is the nephew of Patrick Ford.

“Q. Do you remember any others?—A. Not without refreshing my memory by my notes.

“Q. You can look at anything you have got?—A. I have no notes.”

Then he gives the names of Looby and Thomas Francis Burke, so we find that in the year 1877 trustees were appointed—trustees as named—and now we have to see what were the objects of this Skirmishing Fund.

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[Continued.]

My Lords, we have, I think, good evidence of what are the objects of these combinations at page 2764. We have statements taken by Mr. Boyle O'Reilly's paper the "Boston Pilot." The article is an account of a proceeding in the American courts and it was copied into the "Nation" and so we obtained it. It says in that there is a singular litigation in respect of the transfer to Ireland, for interment of the remains of a person named Colonel O'Mahony. The question arose, my Lords, as to the application of a certain sum of money from the so-called Patriotic Skirmishing Fund, and it says:—

"An application was made in New York Supreme Court Chambers for an injunction to restrain the parties from placing the funds in their hands outside the jurisdiction of the court."

I think, my Lords, that extract is in the year 1878.

"The parties against whom the suit is brought are Jeremiah O'Donovan Rossa, Thomas C. Luby, Thomas F. Burke, John J. Breslin, John Dewry, W. Carroll, and James Reynolds."

Your Lordships will see those are very nearly the same, or I think they are the same, names as given by Le Caron, except that John Dewey is John Devoy, then they are identical with the names mentioned by Le Caron:

"He states in his petition for the injunction that since March 1876 various people who have a desire to advance liberty in Ireland and honour Irish patriots have voluntarily given to J. O'Donovan Rossa over 23,000 dollars, known as the skirmishing fund, to be used by Rossa at his sole discretion for the advancement of liberty in Ireland, and the honouring of Irish patriots and to keep alive and in active operation the party which favours Irish liberty."

And so, my Lords, according to that view, though, of course, only receiving the money, although they were trustees, it was very much under the control of Jeremiah O'Donovan Rossa. Of this money that was in the hands of either the trustees or O'Donovan Rossa, we see at page 2468, that 10,000*l.* was the sum devoted to Devoy and Millan's mission to Ireland in the December of 1878, which, as your Lordship knows, was for the purpose of organising and strengthening the Fenian body for the purpose of open warfare.

We, now my Lords, come to the period when O'Donovan Rossa has to be got rid of for reasons I will give to your Lordships, and we have this account from the source where certainly authentic information would be drawn from and that is from the "Irish World," or as I would regard it from Mr. Patrick Ford's editorial room. At page 3363 you will find copied an article from the "Irish World," of the 28th of August 1880.

"Five years ago, O'Donovan Rossa, through the columns of this paper."

I ask your Lordships to note that will be the year 1875, the columns of the "Irish World":—

"Made known to the Irish people the idea of skirmishing He did not himself write the address that was published. Rossa called for 5,000 dollars. The first edition seemed to rise no higher than the rescue of a few Fenian prisoners then held in English gaols. He wanted badly to knock a feather out of England's cap. That sort of theatrical work did not satisfy us."

This, my Lords, is an editorial writing to the "Irish World":—

"That sort of theatrical work did not satisfy us, nor did it commend itself to some others either. Rossa then said he was willing to burn some shipping in Liverpool. 'Why not burn down London and the principal cities of England,' asked one of the two whom Rossa, in the beginning, associated with him in the movement. Rossa said he was in favour of anything. The question of loss of life was raised. 'Yes,' said he who had put forward the idea, 'Yes, it is war, and in all wars life must be lost, but in my opinion the loss of life under such circumstances would not be one-tenth that recorded in the least of the

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“ ‘smallest battles between the South and the North.’ Some one suggested that
 “ plenty of thieves and burglars in London could be got to do this job. Here we
 “ interposed, ‘Why should you ask others to do what you yourself deem wrong.
 “ ‘After all, would it not be yourself that would be committing the sin? Gentle-
 “ ‘men, if you cannot go into this thing with a good conscience you ought not to
 “ ‘entertain the notion at all.’ ”

Then my Lords, the article proceeds as to the feasibility of the matter and comes under the heading lower down, showing how it can be done:—

“ Our Irish skirmishers would be well disguised. They would enter London
 “ unknown and unnoticed. When the night for action came—the night that the
 “ wind was blowing strong—this little band would deploy, each man setting
 “ about his own allotted task, and no man, save the captain of the band alone
 “ knowing what any other man was to do, and at the same instant strike with
 “ lightning, the enemy of their land and race. In two hours from the word of
 “ command, London would be in flames shooting up to the heavens in 50 different
 “ places. Whilst this would be going on the men could be still at work.”

My Lords, it is wearisome to read these directions which were published to the world and were published by men willing to act as appeared in the year 1880, during the time your Lordships’ knew the events of crime were proceeding in Ireland.

(*Mr. Davitt.*) I think Sir Henry James will allow me to remark, that in that very article the writer near the end of the article declares that he had long ceased to advocate the principle of skirmishing.

(*Sir H. James.*) My Lords, I will dwell upon that fact. Your Lordships will see why I have to say a great deal upon that. My learned friend Mr. Asquith read this part of the article:

“ We have here digressed from the history of the Skirmishing Fund for an
 “ obvious reason. Some very sedate and very sensible men are apt to suppose no
 “ one but a devil-may-care-sort of fellow would ever identify himself with
 “ skirmishing, as the ‘Irish World’ lent its endorsement to the idea; and as the
 “ ‘Irish World’ is anxious to win and to retain the good opinion of those very
 “ sedate and very sensible men, it is but right that the reasons that induced us to
 “ do so should be set forth. Our reason for holding aloof from both ‘regulars’
 “ and ‘skirmishers’ also calls for explanation.”

And so, my Lords, we have it that the “Irish World”—I will accept the suggestion of the term—was “holding aloof” from regulars and skirmishers—that is, from both—and your Lordships will see it stood aloof from that time—a time which policy directed only—and that holding aloof requires explanation.

Then, my Lords, to show how the holding aloof occurred, the history of the fund is given below, a request having been sent to the “Irish World” that O’Donovan Rossa should act as treasurer:—

“ We declined to act as treasurer, and sent the money back. Some weeks
 “ elapsed, and again Mr. Crowe re-forwarded on the \$50 with a similar request.
 “ We promptly and absolutely refused. Thereupon O’Donovan Rossa temporarily
 “ took it in charge. We suggested the names of James J. Clancy as treasurers.
 “ He was accepted. Rossa likewise joined to him Augustine Ford as trustee.”

That is the brother of Patrick Ford:—

“ The fund was opened in this paper ”——

I call your Lordships’ attention to that. That is, the source of the fund so far as subscribers are concerned:—

“ The fund was opened in this paper. We put down \$50 ourselves. In addi-
 “ tion to that, we expended from our own pocket upwards of \$300 on circulars,
 “ &c. in its behalf, and for more than a year continued to pay into the fund \$5 a
 “ week, giving in all about \$700 thereto. Transatlantic sent along \$100.

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“ Rossa at that time was a member of the Glan-na-Gael. He was likewise
 “ head centre of the Fenian organisation. Some of the officers of these two
 “ societies evidently were afraid that Rossa might precipitate matters by blowing
 “ up the British Empire before they had got ready, and thereby deprive them of
 “ the glory; and they begged him to be cautious. He was cautious. For a
 “ whole year he was laying his plans, profound and deep, and then when the idea
 “ was fully developed, he came into this office with a man, and unfolded a map of
 “ operations.

“ Early in the spring of 1877 this letter was sent to O'Donovan Rossa—

“ Irish World Office,

“ March 14, 1877.

“ Mr. J. O'Donovan Rossa,

“ Dear Sir,—With this I tender into your hands my resignation as trustee of
 “ the Skirmishing Fund, and beg to withdraw my name from your executive
 “ committee.

“ The motive that induces me to this step is twofold. My duties on the
 “ ‘Irish World,’ which are onerous and multifarious, demand all my attention for
 “ their faithful performance, and deny me that time and liberty which are
 “ needful to an officer in a national organisation. Apart from this I have thought
 “ all along, and I still think, that the best interests of this movement would be
 “ better subserved by leaving the Skirmishing Fund, with its centre management,
 “ placed in the hands of men who possess more activity and experience in national
 “ affairs than I lay claim to, such are Thomas Clarke Luby, General Bourke, Dr.
 “ Carroll, John Breslin, John Devoy. Other names will suggest themselves to
 “ you. All these gentlemen, from what I know of them, are ready and willing to
 “ go into harness whenever called on. The initiatory step remains with you.
 “ Move then at once, and re-organise. With ardent prayers night and morning
 “ for the success of the Irish cause.”

That is signed by Augustine Ford. Then the article proceeds:—

“ The suggestion here thrown out was immediately acted on, and the
 “ gentlemen named became, on invitation, the trustees of the Skirmishing Fund.
 “ Soon an address from them was published. Therein they changed the name of
 “ the Fund from Skirmishing to Irish National. They proposed also to enlarge
 “ the original scope of the fund. We are frank to say we did not like the
 “ change in name. To us it indicated not indeed an absolute abandonment of the
 “ original idea, but the adoption of a Fabian policy of masterly inactivity, which
 “ would watch, but would not seek to create the desired opportunity
 “ The existence of an unpleasant feeling between Rossa and his *confrères* began to
 “ show itself Finally they declared that he or they would have to
 “ resign. He resigned on condition that Augustine Ford would take his place as
 “ secretary.”

Now, my Lords, so far that is Mr. Ford's account of the formation of this fund. A few words only to deal with this man, O'Donovan Rossa. My Lords, I deal with him for the purpose of putting him on one side. It had been the habit of those who had been associated with the members of the Clan-na-Gael, who had been associated with the members of the Skirmishing Fund, to give as a proof that they have no sympathy with dynamite, that they objected to the policy of O'Donovan Rossa. My Lords, that is no proof that they had any objection to the policy of dynamite. They objected to O'Donovan Rossa because he was a garrulous man in whom they had no confidence. They could not trust him. They could not trust their fortunes and their reputations to him, who would interfere with the actions of the trustees, and who would make public what was about to occur, and so, my Lords, getting rid of him, and of that extreme policy of dynamite which I will point out to you was different from the policy of the Clan-na-Gael, they claimed, because they objected to Rossa, to object to dynamite. That is a false argument and a false assertion. They got rid of an indiscreet dynamiter. The policy of dynamite remained in their hands.

My Lords, we have in the first place O'Donovan Rossa's account at page 2770. It appears in the “Nation” as an account by O'Donovan Rossa, given in the year 1878

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to a correspondent, or a person connected with the "New York Herald." This is the account that O'Donovan Rossa gives:—

"He is in perfect accord with the present leaders of the movement, but wants to see 'some work done at once.' 'We shall all be dead before long,' he said, 'and I want to see something done that will hurt England before we go. I don't believe in keeping alive disunion, but I want to see those at the head of the movement do some work. I want to see them hurt England and make her feel the Irish vengeance is something to be feared.'"

Then, my Lords, in the same volume, at page 2812, there is an article that has also a reference, in the "Nation," from an American paper:—

"They opposed the Skirmishing Fund when it started, and when it grew up, in spite of their exertions, they intrigued themselves into its control."

These are the Clan-na-Gael men.

"How they caught me here was: They asserted they were making preparations for the final struggle with England, and that the success of that struggle would be perilled by my bringing on a premature engagement. To show I had no intention to do that I allowed the Clan-na-Gael Society to name co-trustees, and they named Messrs. Carroll, Bourke, Devoy, Reynolds, and Luby."

Then comes a question about the expenditure of some funds, and a little lower down occurs this: He first says they have made charges, they have spent skirmishing money in Land League agitation. That we have dealt with, I think. That was the 408*l.*, but they say they are going to throw up the trusteeship:—

"That's a dodge. If they resign the trusteeship, it will be only to transfer it into the hands of those Clan-na-Gael men who are in with them. It will be only changey for changey—a black dog for a white monkey."

My Lords, we have a view of Mr. O'Donovan Rossa's character expressed by Mr. Davitt in this letter to Mr. Matthew Harris of the 10th of July 1880.

Mr. Davitt expresses a very strong view of the estimation in which he holds Mr. O'Donovan Rossa. He applies to him a term—I do not know that I have ever heard it before, it may be a term of a more general application. He calls Mr. Rossa a blatant ass. At page 1935, speaking of Mr. John O'Leary, Mr. Davitt says:—

"He came from Paris to upset my Land League endeavours, but he will go back a wiser though a sadder man, saving the few Bosthoons who are following that blatant ass, Rossa; the Nationalists on this side are common-sense men, who hold your views and mine upon this public question. O'Leary failed completely to get up a crusade against the Land League in America. Rossa is now trying his hand, but he will achieve more success on your side than upon this. He is a cowardly low ruffian, who has not the courage to resent the insult I offered him in yesterday's "Herald" by stating my belief that he had not sufficient courage to set fire to a British haystack. I expect to reach Ireland by November."

But I ought to read this to Mr. Davitt, as Mr. Davitt wrote it—

"Do your utmost to keep the people within bounds, one false or hasty step will crush the movement."

Then your Lordships will see from that that the view was that at that time no doubt O'Donovan Rossa had quarrelled with the land movement, and had incurred at least the displeasure of Mr. Davitt.

The time when O'Donovan Rossa ceased to be an immediate factor, as it is termed, in this dynamite movement you will find fixed at shortly after the Wickesharre Convention of 1879. It is fixed by Le Caron on page 2662:—

"When did O'Donovan Rossa, according to your opinion, cease to be any important factor in this wretched movement?—4. He commenced to be a bone of contention immediately following the Wickesharre Convention of 1879."

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“ Q. What date in 1879 was the Wickesharre Convention of 1879?—A. I think it was in June.

“ Q. And after that his power waned away?—A. It did in that organisation.”

There is a report also at page 2471 in which these words also occur:—

“ A constant source of doubt and disturbance was the existence in America, under the leadership of Mr. O'Donovan Rossa, of a remnant of the F.B., which from its constant mention in the press, was supposed to be the most influential body of Irish Nationalists in America. This organisation had some time ago publicly proclaimed Mr. S. the head of the whole national movement, ignoring the right of the men at home to choose their own leaders at a time when the council of the F.B. had lost all communication with the organised Nationalists in Ireland, and when most of the members of that council, being members of the V.C., were fully aware of the understanding between the V.C. and the S.C. of the I.R.B. The funds of the T.B. were sent to Mr. S., who thus encouraged, proceeded to undermine the authority of the S.C., and endeavour to gain over the rank and file to his own personal and irresponsible leadership. Although waited upon by the Secretary of the S.C., and offered a seat on that body, he refused all connexion with it, and regarded the offer as a sign of weakness on the part of the S.C. With the money supplied by the F.B., and a little raised among a few lingering personal followers in Ireland and England, he was enabled to send an agent to many of the circles in Ireland who, in the most positive manner, assured the men that the great majority of the V.C. were in favour of restoring him to power, and that he had already gained over the bulk of the men in every other part of Ireland. The members of the S.C. were strongly convinced that but for the public connexion of O'Donovan Rossa with the F.B., his repeated public statements implying that the V.C. ‘was doing nothing for Ireland,’ and constant inuendoes in his published correspondence against the V.C., Mr. S——”

Mr. S. it is here, that is Mr. Stephens,

“ would not have been able to make the slightest progress.”

My Lord's, here is a report from the executive body of the Clan-na-Gael, of September 1881. It is rather, I should say, to the camp at Braidwood, by Le Caron, after attending the Convention of August 1881. I am reading from page 3737:—

“ In connection with Rossa, Crome, and others of the same ilk, I would say that while I believe they, or some of them, may be honest in believing that the cause they are pursuing is for the benefit of, and likely to accomplish the redemption of our native land, I have no faith in a party of men who have during the past two years asked and received of the American people assistance to prevent their suffering countrymen from starving and sinking into paupers' graves, and who now threaten the lives of these same generous people because they happen to be upon vessels that perchance may be floating under the British flag. A dynamite movement we all firmly believe in, but one of the kind suggested by these men I believe would only result in retaliatory measures that would bring about a war of races, and would result in the slaughter of our people in Ireland and in England.”

There, my Lords, we have the key of the difference which existed between this person O'Donovan Rossa (whom Mr. Davitt has described in the language I have referred to) and the Clan-na-Gael. O'Donovan Rossa was, according to the “Irish World,” ready for anything. This man, whom one can scarcely designate as a man, was willing to carry the war, as he terms it, to the extent of blowing up any vessel sailing under the English flag, even if there were American people on board. These are the persons who are described in these and other documents as the generous people who had aided Ireland in distress; and, my Lords, it is no wonder that even amongst these dynamiters there were men who would pause before they would carry on, under the

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name of war, proceedings to take the lives by murderous means of the American people, simply because they sailed under the flag of Great Britain. But at the same time they were supporting dynamite. "A dynamite movement we all firmly believe in." And it was policy again which lessened the intensity of their action. They were afraid of an outbreak throughout the civilised world. What would be said of men who, for the sake of what they term a war, would destroy the passengers on board of an English boat carrying Americans to England—people who had done them no wrong, people against whom no cause of complaint could be made, or animosity felt. So the dynamiters who were willing to destroy everything that was English—English life and English property, protested against the conduct of the men, and the policy of the men who would go further than they would, and who would take the lives of Americans who were under the protection of the English flag. That is the whole difference between O'Donovan Rossa's policy of dynamite and the policy of the Clan-na-Gael men. I am going to show that they were associates, and I am afraid I must say the paymasters of the respondents who are before you. That is the difference, and the only difference, existing between these two degrees of dynamiters.

Now, my Lords, you see how easy it is for those who declare that they have never associated with dynamiters, that they have no sympathy with them in their action, or in any course they have taken, to point to their objection to the extreme policy of O'Donovan Rossa, and because they have protested against this view of O'Donovan Rossa and his associates, who are ready for anything, they have disassociated themselves with it, I hope on the ground of its excessive inhumanity—I know on the ground of its want of policy, and therefore they have been protesting against dynamite, whereas you will find that this Clan-na-Gael, against whom they have never protested, as far as I can discover, have, as we shall proceed to lay before your Lordships from these documents, carried on the dynamite policy—have ever been the supporters of this dynamite policy, and have been carrying it on themselves, until, at length, new political combinations have rendered it advisable that they should desist from the policy they have supported.

I will refer you in support of much that I have been saying to Mr. Davitt's own explanation given to you in his speech at page 6330. I do not know whether even it is necessary for me to read in detail what Mr. Davitt said, but it certainly to a great extent supports everything that I have now been addressing to you. Mr. Davitt says :—

"In 1876 O'Donovan Rossa, disgusted at what he considered the degeneracy of the Fenian movement, its weakness and inactivity, started what is known as the 'Skirmishing Fund,' in the columns of the 'Irish World.' The avowed object of the Skirmishing Fund was to attack England at any vulnerable point and to keep up against her power in Ireland or elsewhere a constant system of annoyance and attack. In fact, the policy thus put forward might have possibly been inspired by the 'Times' leader of 1860. The fund to sustain this policy reached some 80,000 dollars, but in 1878, I think, and before half of this sum had been contributed through the 'Irish World,' the control of the fund and of whatever movement was behind it—I do not think there was any organised movement or society behind Rossa at the time,—Rossa was superseded by a board of trustees whose names have been given in evidence, and the name of the fund changed to the National Fund. I will deal by and bye with what is imputed to my accidental connexion with this fund. But here, my Lords, it is well to ask, who was O'Donovan Rossa. He has only been known to your Lordships in this inquiry as the originator of the 'Skirmishing Fund,' and as an opponent of the Land Leaguer. To the people of England the name of Rossa implies all that is embraced in dynamite, and un placable enmity to English Government. But, my Lords, who is Rossa?"

Then Mr. Davitt describes his prison sufferings, and that he had been convicted of treason felony, and he ascribes, I presume, his hatred of England to what he had undergone; Mr. Davitt may think unjustly and inhumanely undergone. The fact remains, whatever was the cause of this man being converted into who and what he was, we must treat him as we find him.

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But I find concurrence in the view that O'Donovan Rossa was a mere talking figure-head of dynamite, and not the real actor, in Mr. Parnell's own evidence. Mr. Parnell, at page 4095, expresses his view of O'Donovan Rossa. At page 4095 Mr. Parnell says:—

“ I never attached the slightest importance to the proceedings of O'Donovan Rossa in America.

“ Q. It is not a question of attaching importance. You have sworn three moments ago, Mr. Parnell, that when you made that speech you did not repudiate dynamite, because you did not believe there was any dynamite policy in existence?—A. Quite so, yes.

“ Q. In existence,—it does not matter who?—A. Yes; I considered that O'Donovan Rossa (and I believe so still), was only talking about dynamite, in order to make collections of money, and that he never originated any dynamite policy at all.

“ Q. You think the real dynamite did not come from O'Donovan Rossa?—A. I do not believe that it, practically speaking, came from him.”

We find now O'Donovan Rossa put on one side, and we find Mr. Davitt, as I say, designating him certainly as a man who could not be trusted with the carrying out of any policy or any views of confederacy who required that their actions should be kept secret. Mr. Parnell says he was nobody. But we shall find that dynamite policy was at work, and as these years that we are coming to, especially the years 1883 and 1884 are touched upon dynamiters were at work in London and elsewhere. It was not O'Donovan Rossa who moved them. We shall find disclosed to your Lordship, I think, who did; but it was not O'Donovan Rossa. He must be put on one side. And now, if I may use the expression all this work of a safety valve in attacking O'Donovan Rossa and saying, we have nothing to do with him is as nothing. We ought to look for attacks upon the real dynamiters, we ought to look for attacks on the men who supported the policy and who carried it out, and this shadow of a man in connexion with dynamite, may, I hope, in connexion with this case from this date of which I have spoken, at least, 1880, be put entirely on one side.

My Lord, there is one other man I have to deal with, and to deal with as a person of far different mould and of different character. I mean Patrick Ford. The importance of this man's conduct is not represented by the prominence he gave to himself. As we often see in some melodrama the evil genius of the piece keeping himself within a shadow, or keeping himself in the background, so this man, Patrick Ford, thought it right as a matter of policy, perhaps for his own safety, to keep himself in his editorial room. But for much which has happened, much that has occurred in what my learned friend, Sir Charles Russell, terms a most dastardly and inhuman form, Patrick Ford is answerable; and directly answerable too. Your Lordship will have noted his own account. In these columns, as the editor of the “ Irish World,” the policy of the Skirmishing Fund was first mooted and endorsed with the sanction apparently of Mr. Patrick Ford. Trustees were named, and Mr. Augustine Ford was one of them. There was joint action with O'Donovan Rossa for this Skirmishing Fund. Collecting funds was the work of Patrick Ford. And so he proceeded until the time when this new departure arose, and he suspended the operation of active service, according to his own statement as I read it, in or about the year 1879 or certainly as early as 1880. That was done, as he tells the world in the letter that has been read; but with the feeling still in favour of dynamite, and its policy as strongly as ever impressed on his mind. He was willing that O'Donovan Rossa should be got rid of. Augustine Ford wished more active persons than himself to be working in favour of this policy which, if not represented by the word “ dynamite ” is represented by the equivalent of striking blows that shall inflict wounds upon Great Britain whenever and wherever you can. My Lord, I gather and submit to you that whilst there may have been dissent from the policy of dynamite that would shock humanity, and would cause the civilized world to shudder when the lives of American passengers were taken, there was a mere suspicion and nothing more, of the wisdom of the policy of dynamite in the breast of Mr. Patrick Ford. He did not put his dynamite on one side. It did not leave his hand even. The dynamite might have been damped by display but it was there and ready for action; and, as your Lordship will see, and I think I may say it will be sadly seen, it was openly advocated as a wise and just

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policy to pursue whenever it was politic so to do. We have it to support these matters I have been saying, for these are grave things to speak of a man still living, a term used at 2468.

“ In the call published by Patrick Ford and O'Donovan Rossa when it was first raised, it was to be used for skirmishing purposes, to strike at the enemy when and where the opportunity presented itself.”

These are the parents of the Skirmishing Fund :—Patrick Ford and O'Donovan Rossa. I will remind your Lordship of a document commencing at 3363. It is the document I referred to before. At 3363 we had that account where it is said in the “ Irish World ” Rossa said he was in favour of anything. I refer to the date of that, the 28th August 1880, as showing that at that time it was a suspension of action only and there was no objection to the policy. I call in aid that document I read just now in relation to the Skirmishing Fund as applying now to Patrick Ford personally.

But, my Lord, I come now to further proof. Proceeding in point of time, for our history is retrospective, on the 25th December 1883, a letter appeared in the “ Irish World,” signed by Patrick Ford. It is at page 3946 :—

“ Next week there will be opened in the columns of the “ Irish World ” an “ Emergency Fund.”

May I remind your Lordship that in the early part of October 1882, Patrick Ford had taken exception to the Parliamentary views of Mr. Parnell, and had refused to collect more money for the Land League. I am speaking of 1882 of the parliamentary action after the Kilmainham Treaty, and it is the 10th October 1882. This letter appears at the end of 1883 :—

“ Next week there will be opened in the columns of the ‘ Irish World ’ an “ Emergency Fund. The object of this fund will be to aid the active forces on the other side in carrying on the war against the enemy. It is unnecessary to enter into details. I can only say in a general way what I believe in myself I believe in making reprisals. ‘ An eye for an eye, and a tooth for a tooth.’ I believe that every informer ought to die the death of a dog.”

This, your Lordship, will recollect is signed by Patrick Ford.

“ I believe that all the material damage possible ought to be inflicted on the enemy, and that the war against the foeman ought to be persisted in without quarter to the end. I believe that England ought to be plagued with all the plagues of Egypt; that she ought to be scourged by day, and terrorised by night.”

Your Lordship knows the date of this. The dynamiters had been at work at this time, and as we know, people had been scourged by day, and terrorised by night.

“ I believe that this species of warfare ought to be kept up until England, hurt as well as scared, falls paralysed upon her knees, and begs Ireland to depart from her. This is my idea of making war on England.”

This is, my Lord, what my friend calls dastardly and inhuman.

“ I do not however, deprecate or depreciate other methods of fighting. As I have already said, we ought to employ all our forces, moral as well as physical. Let Parnell and his band of Parliamentarians—the most national delegation that ever went into the alien House—go on in their way, and God bless them. We say this with all our heart. Let the National League agitate in Ireland, and God bless it. Let Davitt start an agitation in England, if he will, and God bless him. Let Archbishop Croke and Mr. T. D. Sullivan fight English influence in Rome, and God bless them. All these methods of antagonising the enemy are good and patriotic; but all these methods of warfare, without the physical forces, will never make Ireland a nation. *But every man can do service in his own way.* We, men of the Irish race, ought to be at peace with each

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“ other. We ought to tolerate one another. Let the common enemy of us all do all the denunciation.

“ Every man who has called on me to open this emergency fund, every man who believes in the ideas here put forth, can now prepare for work.”

That is Mr. Patrick Ford's personal declaration, signed by himself. And it so happens that Mr. Patrick Ford owes no allegiance to this country. He can commit no acts of treason against this country. He is an enemy if he is anything. And it so happens that according to the views, I will not say wrongly entertained in this respect if it would have amounted to a municipal offence, it is regarded as a political crime, and there is no extradition, but, my Lord, apart from all these safeguards, no man ever was more guilty of incitement to murder and assassination than Mr. Patrick Ford was, when he wrote that letter. He was asking for that scourging by day, and terrorising by night, that meant the destruction of buildings with persons in those buildings, and to him it must have been the natural result that human life should be taken. At his request, and according to the doctrine he was preaching, he only had to find the money by way of subscription following the preaching of his doctrine, he had only to find the men willing to agree with him, but with more courage than he, willing to act according to their opinions, and then the murder of innocent people was effected at the request and in consequence of the urging of this man.

My Lord, I have one other article to read to your Lordship. It is an editorial article that appeared in the “Irish World” of March 29th, 1884, which after that letter, and knowing Mr. Patrick Ford was editor of the paper, I think it reasonable to suppose is Mr. Patrick Ford's own article. At page 3951 is this article which, as I have said, I regard as an editorial article by Mr. Patrick Ford. He says:—

“ Here and there some persons talk as if there were disunion among Irish men. They say one section of Irishmen believe in physical force, and others advocate moral suasion. England would like to see the Irish quarrelling among themselves; and if she fails to sow dissention among them, the next best thing for her purpose she thinks is to circulate the notion—the false notion—that they are divided. But the Irish are not disunited. The methods employed in fighting the enemy are many and diversified; but in sentiment, in devotion to the cause of Ireland, and in determination to regain for her her plundered rights, all the forces are as one man. We want to see all the forces continue actively in their respective fields until the fight is over. Parnell, our generalissimo, is now giving out good things. So is Davitt. So is A. M. Sullivan. Indeed, all the chiefs on the other side seem at the present time to be doing their best. On this side of the water we have a capable and clear-headed man, Mr. Alexander Sullivan, of Chicago, as President of the Irish National League of America. He is a man of ideas. One of his ideas has foiled England in her villanous ‘assisted emigration’ scheme. Meanwhile the physical force men are causing England to howl as she never howled before. Here is the advantage of diversity of methods. Success, say we, to the National League, and more power to dynamite.”

My Lords, we have now got something very specific. It is not a question of the Skirmishing Fund with dynamite not disclosed as its active agent. Here, at any rate, is Mr. Patrick Ford explaining his meaning as that there shall be more power to dynamite. Then, my Lord, I come to a statement that appears in the “Irish World” (I do not know how far it ought to affect anybody else but the writer) in which Mr. Ford, speaking of Mr. Parnell, says:—

“ We see and recognise with intense gratification that the League, backed by the people, has already sent the Irish cause by leaps and bounds on towards the goal of victory. It has not only captured seats in Parliament, but it has driven Ireland's enemies from the town councils and all the popularly elected boards and representative positions in the country. From the mayoralty of Dublin to the clerkship of the smallest town there is no post in the gift of the people which can now be won by any man who is not an avowed and pledged foe of England. . . . All England's appeals and menaces have failed to obtain from Mr. Parnell or his party a solitary pronouncement against outrages, and

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“ she is compelled to look the unpleasant truth in the face that there is a solidly united Ireland.”

I say I do not think for one moment that that ought to be regarded as evidence against Mr. Parnell and his party, but it is evidence against Ford. He knew what the outrages had been in Ireland. He knew how terrible they had been and how cowardly they had been. This is the man who exultingly is declaring that there had been no pronouncement by Mr. Parnell and his friends, by the men who could have stayed the outrages; and so it is that, whether it be by dynamite or whether it be as outrages, perhaps as cowardly yet not so destructive, Ford is able to write that he is grateful that his leader who could stay the outrages had not done so, but had allowed that crime and those outrages to continue.

There is to my mind more conclusive evidence still, which I call your Lordship's attention to, of this man Patrick Ford's views, which is to be found at page 5722. He had come to a period when he had suspended his dynamite views. He suspended them when he thought the Land Leaguers may do much without physical force. He renewed his preaching in favour of them actively. He expressed those views after the autumn of 1882, and continued doing so, for Mr. Davitt admits there was a time when he renewed his preaching of dynamite in 1883, 1884, and 1885.

(*The President.*) I have not interrupted you in quoting from these various articles, but you must bear in mind a discussion arose with respect to some of them as to their admissibility at all.

(*Sir H. James.*) These I have read have been admitted entirely and are on the note.

(*The President.*) Yes, but *apropos* of one of them a discussion arose. It is only put in evidence in cross-examination of Mr. Parnell, and Mr. Parnell says he did not see it.

(*Sir H. James.*) That, my Lord, of course was as evidence against Mr. Parnell.

(*The President.*) Yes.

(*Sir H. James.*) I was dealing with that. I carefully said I thought it would not be evidence against Mr. Parnell.

(*Mr. Davitt.*) I have not objected because I, as your Lordship will remember, read from quite a number of editorials in the “Irish World” in which Mr. Parnell's policy had been denounced. Consequently I did not think it fair to interrupt Sir Henry James, but I had your Lordship's ruling with reference to one copy of the “Irish World” in my mind.

(*The President.*) Yes.

(*Sir H. James.*) I have said distinctly, as regards Mr. Parnell, I do not think he ought to be affected by it, but here it has been put upon your Lordship's note in relation to Patrick Ford, against whom I use it. May I ask your Lordship's attention with respect to what you have said to this letter of 4th September 1886. Of course that did not come within the period when the contents of the “Irish World” were evidence against all concerned. It is at page 5722. That was put in in this way. Mr. Davitt had given evidence that he believed Patrick Ford had given up the policy of dynamite in 1885. He had stated that he had given it up. That was later than 1885. He first put 1885. That was when he first heard of the Home Rule propositions which were known to be propounded in January or February 1886. Then this letter is put to Mr. Davitt without objection and is read to him, to show that his statement that the “Irish World” had given up the policy of dynamite in 1885 was wrong, and I presume that there can be no question but that this evidence is admissible and it was admitted. “The ‘Irish World’ has given up the policy of dynamite,” says Mr. Davitt. “Now, here is an article which shows it had not. What do you say to this?”

(*Mr. Davitt.*) With reference to this particular article I wish to make this observation. I stated in the box when this article was read to me, or referred to, that it was an article written by Mr. Ford attacking the Rev. Mr. Cronin, of Buffalo, for an attack he had made on Mr. Ford for going to the Chicago Convention.

(*Sir H. James.*) Quite so.

(*Mr. Davitt.*) It was not a present advocacy.

(*Sir H. James.*) The effect of it will be shown when we look at it, but the admissibility of it stands without question.

(*The President.*) Which is the letter you are referring to?

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(*Sir H. James.*) The letter at page 5722 of the 4th September 1886.

(*The President.*) The witness says:—

“ I remember that very article, and I have something to say when you have done.”

“ Q. Very well, I will read it.”

(*Sir H. James.*) Will you see how pertinent that is. Mr. Davitt had fixed a date when he said Patrick Ford had given up the dynamite policy. Then attention is called to something later.

(*The President.*) You are quite right. That would be admissible for the purpose of contradicting that statement.

(*Sir H. James.*) It being placed in evidence, of course I have the right to read it, and to read it as against the writer. It is signed “ Patrick Ford.” I am addressing your Lordships now, with great respect, in relation to Mr. Patrick Ford. As against him I say this is evidence. The paper is produced.

(*Mr. Davitt.*) But surely what is evidence against Patrick Ford is not evidence against the people who are charged.

(*Sir H. James.*) It is against Mr. Davitt, whose statement as to his views of Patrick Ford I am attacking. I am going to show you the estimate in which Mr. Davitt held Patrick Ford after the writing of Patrick Ford is called to his attention.

(*The President.*) It is undoubtedly admissible in evidence for the purpose of contradicting the statement Mr. Davitt has put forward. But I am calling your attention to this, that it cannot be used by us against the persons charged for any other purpose.

(*Sir H. James.*) No. I said just now I did not think what I was about to read was evidence against Mr. Parnell, following what I hope is your Lordship's view. In this letter, at page 5722, Patrick Ford, speaking of dynamite, says:—

“ This gospel of dynamite is one of those subjects. Well, all that I have ever said on this subject I stand by now; and I stand by it, not because I said it . . . but because I believe I am right. St. Paul tells us that ‘ every creature of God is good.’ Dynamite, then, considered in its origin and elements as coming from the hand of the Creator, is necessarily good. . . . Now, dynamite has been abused by the anarchists. For any member of a community to endeavour by violence to resist the Government, and overturn the laws of that community, after the manner of the Chicago anarchists—I care not whether the community be a monarchy or a republic—I hold to be altogether wrong. The line must be drawn somewhere. . . . But dynamite employed in the direction given to it by Irish patriotism was never intended for anarchical purposes. It was not a war against society. It was a war between the two nations.”

Well then, that is a declaration at that time by Mr. Patrick Ford that he adheres to all that he said. My Lords, Mr. Parnell's own view as to the course taken by Patrick Ford at this time you will find in the evidence which Mr. Parnell gave, at page 3960, and which was this—

“ Would you allow me to say, in reference to the ‘ Irish World,’ before you leave it, that I think I ought to say, my Lord, as an amendment to my statement in my examination-in-chief, that the paragraphs which have been read induce me to modify my statement so far as to say that at times during these years the ‘ Irish World ’ evidently did speak favourably of myself, personally, and of my policy, though not in the sense I could desire or approve; and that with regard to the contributions, they appear to have been made after the overthrow of the Liberal Government, in the autumn of 1885, when I think it is probable that the ‘ Irish World ’ commenced to adopt another change of policy and was giving up the dynamite policy.”

That, my Lords, fixes the date I mentioned to you as being the time when the policy of dynamite was given up.

I will not read now to your Lordships the cuttings of the “ Irish World.” They must come in with full press matter that was placed before the people of Ireland at a little later date. I will take them with the documents connected with “ United

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Ireland" and the "Irishman." But we have enough to know, now, that this man Patrick Ford had preached this policy of dynamite, and had supported it, and supported it thoroughly. We know now what it means. And, my Lords, there is no one, however much opposed to it, who can speak other than with the words of sadness and pity in respect to the men who were thus urged on to commit these crimes by dynamite. Any one who has taken part in those trials, and seen men standing in the dock, waiting their doom, men it may be who were born, fitted for better objects and better purposes, anyone who has seen them almost bravely standing at the side of the very grave to which they were to enter during their life—their whole life being spent for the future in a living grave—anyone who has seen them cannot help feeling that it was to the teachings, the urgings, the requests of this man, that they had yielded. That it was he who had led them on; he had collected subscriptions; he had endorsed the policy; he had sent—himself remaining in America; he was the agent—he had sent men to this country who have suffered, and are still suffering and will suffer, it may be as long as they live, for the proceedings of these actions. Knowing this, it appears extraordinary that men are yet to be found who can speak of the originator of "this inhuman and dastardly policy"—to quote my learned friend, Sir Charles Russell, in words of commendation. And what strikes me so strongly with regard to this man, this procurer of actors to commit these fiendish outrages against humanity, is that Mr. Davitt could thus speak. His evidence at page 5719 is—

"Whenever I have gone to America afterwards, his was the first house to
"which I bent my footsteps."

I will give that time exactly in his evidence afterwards. I will take it now, as I presume it is at a later period.

"I bent my footsteps in New York after arriving—and I may be allowed to
"say this about him, he is a man altogether misrepresented in England. I know
"a large number of people in America and in Europe"—

And then, my Lords, Mr. Davitt looked us all in the face—

"and I have yet to meet a better man, morally and as a Christian and as
"a philanthropist, than Patrick Ford."

And, my Lords, if Mr. Davitt has so judged him—whether I am right in saying his associate—Mr. Davitt has so judged him, after knowing what he has written. He cannot mean that he did not commit murder in Mr. Davitt's presence, or that he did not prepare dynamite in Mr. Davitt's presence. He means that notwithstanding all that is said about him, I regard him—and I have never met a better man morally, as a Christian, and as a philanthropist than this murderer and procurer of murder.

My Lords, what has become of the judgment of men; is this political blindness? What is it? We have heard of him whom I would wish to speak generously of if one could approving and giving their sanction to this, and saying according to their evidence that the man who has been endorsing this policy, with all these effects is the best Christian they have ever known, the greatest philanthropist they have ever met.

My Lords, I say I am not going to condemn the words of men who have thus spoken. This man's condemnation must come from others not from me, but I must be allowed to express my astonishment that anyone, after having had his attention called to what Patrick Ford had written, could thus have expressed his judgment, a voluntary judgment, upon such writings, and upon such conduct, and hold him up as coming within the pale not only of humanity, but christianity and philanthropy.

My Lords, I think I may now pass away from Mr. Patrick Ford and his connexion with this movement, because I shall have, I am afraid, to refer again to what was going on in respect to dynamite. And I return to the point from which I have digressed, and that was, my Lords, the point affected by my learned friend Sir Charles Russell's argument, namely, that secret societies have caused the commission of crime in Ireland. I had endeavoured to maintain the proposition that there were no secret societies in Ireland except the Fenians and those moonlighting bodies that I termed the secret police of the League springing into existence in different localities. I had pointed out to you that I think my learned friend, Sir Charles Russell, had been unduly affected by what I termed the very recent possession of Sir George Cornwall

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Lewis' book, and that he had translated into the period of 1879 and 1880 the incidents existing in Ireland at a time long prior even to 1836. I had asked your Lordships to recollect that the secret societies mentioned by Sir George Cornwall Lewis were societies of a known name; with known localities of existence. And now, my Lords, I am about to submit to you that until the inquiry in this case arose, and until my learned friend, Sir Charles Russell, put a few questions to one of the witnesses, namely, Irwin, no one had ever suggested that the crime that had been so rife in Ireland had sprung from what in olden time was disseminated as the result of secret societies. It was a novelty. I am about to suggest to your Lordships a novelty introduced into this case, and not heard of before. My learned friend, Sir Charles Russell, gave two reasons, I think, why he said secret societies were opposing the movement of Mr. Parnell. He said there were two occasions when they did so. The first was at Enniscorthy, in the county of Wexford, and, my Lords, what happened was, that at that time certain persons appeared upon the scene of that meeting, broke up, I have no doubt, that meeting, because they were more advanced in their view than Mr. Parnell and Mr. Burke. Well, my Lords, if anyone entertains any moderate views in politics and has had any experience of political meetings, he will always recollect some such scenes as those by those more or less opposed to him and condemning him. At page 5819 Mr. Byrne described what the truth was, it was an open meeting, where Nationalists of extreme views interfered with the appearance of Mr. Parnell and himself. He tells it, as I have said, at page 5819. He was asked by me, in cross-examination, the meeting being a few days before the election:—

“ Q. What I understand is, that some people you differed from opposed you ?
 “ —A. Yes.

“ Q. Did you think that a remarkable fact?—A. It would not be a remarkable
 “ fact to be opposed under any circumstances. I was opposed both by some of
 “ the advanced Nationalists and also by a Tory, but the opposition was chiefly
 “ and most determinedly from what was called the advanced wing of the
 “ Nationalists, or the Fenian party.”

Well, my Lords, that is exactly the view I wish to present to you. This is Mr. Garratt Byrne's view. It was the Fenian party. Would your Lordships recollect, I have the evidence (I can give you the reference if you wish), in Wexford there were the remains of the Stephen party—it occurs in Devoy's report—there were the remains of the Stephen Fenians. It is at page 2472. In that report Devoy says:—

“ Three of the best organised counties, Dublin, Louth, and Wexford seceded
 “ from the S.C., and believing the statements so often repeated, that the American
 “ organisation supported Mr. Stephens, transferred their allegiance to that
 “ gentleman.”

And so we find that these persons, because I am taking Mr. Byrne's own account, were opposing Mr. Parnell's more moderate view. But that body is not the secret society of my friend, Sir Charles Russell—that body we always knew the existence of—the Fenians, and we have been talking of them I am afraid for many hours. But while, my Lords, they were secret in one sense—there was a secret oath—they were of the secret body of Sir Cornwall Lewis. It was a general body. It was a general body for warfare, and was not local in its origin or its action. And if that be so, and if Mr. Byrne be right, there is a total destruction of one of the two instances which my learned friend gave.

Then we have the second meeting, which was the Rotunda meeting. That again, at least the answer to it, will be found at page 2307. It was on the 8th May 1880 that the Rotunda meeting took place, and then that scene which has been so often mentioned will recur to you respecting O'Hanlon. Who was O'Hanlon? He was a member of the Fenian body; and he says, although it may be difficult positively to explain the position he occupied, he was a dissenting member of the Fenian body. He had formed no secret society of himself; he did not belong to a separate body. This was a Dublin organisation. It was not agrarian. It would not account for the agrarian crime; but no one has give O'Hanlon co-actors in name. It is not suggested that when he appeared at that meeting he was belonging to a body like the Whitefeet or the Blackfeet, of such bodies as Sir Cornwall Lewis mentioned. He was simply one portion of the Fenian body, wanting physical action as distinguished from the parliamentary action of Mr. Parnell. That, my Lord, is not a secret society of Sir Charles Russell's argument.

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It is clear what this man was, and how he was acting. If your Lordships will look at page 3709, he gave an account of the action at the Rotunda meeting. And then we have, if that is to be made of any importance at all, we have an important letter from the executive of the Irish Republic Brotherhood at page 3709. There, my Lord, is the letter signed by the executive Irish Republican Brotherhood. It is a letter which was read by Sir Charles Russell. I doubt very much whether this was really written on the part of the executive of the Irish Republican Brotherhood, but the letter is so signed. What does that letter say about O'Hanlon? It says:—

“A few irresponsible and unauthorised individuals undertook the rôle of protesting against the agitators”—

These being Mr. Parnell's friends—

“The agitators themselves claim to be Nationalists when it suits their purpose, no matter whether they hold forth in the Home Rule League, the Land League, at the hustings, or that exalted platform the floor of the British House of Commons. We have borne with their vapourings and false doctrines, as well as their treacherous designs against the freedom and national independence of Ireland, fully aware that the sham of the new departure would be short lived, and would in its final collapse bring unutterable political ruin to all its promoters.

“To this end we are resolved to let them have rope enough; but as they are not content with this forbearance, and are occasionally sheltering themselves behind the sacred name of Irish nationality, we feel constrained to warn them that if they persevere in such a course we shall be obliged to adopt measures that will end their career much sooner than anticipated.”

My Lords, this is not a secret society other than the Fenians. If my friend wishes to say that there were some extreme members in Wexford or elsewhere of the Fenians who attempted to defeat Mr. Parnell, if that is all he meant to say, he has used very inapt language when he talked of secret societies of which Sir Cornwall Lewis talked. These are referred to in that book by Cashman, so often mentioned at page 72. This appears in Cashman's book, the book Mr. Davitt and others have referred to.

(Mr. Davitt.) I beg your pardon, Sir Henry James, I have not referred to it. I referred to an interview a man copied into that book. I told you I had nothing to do with the publication of that book, and knew nothing whatever about it. What the writer may say I have nothing to do with at all.

(Sir H. James.) It was on my mind that Mr. Davitt had used the book; but the matter is of so slight importance I will not use it. It was an expression of the views of the Irish Republican Brotherhood. Whether it be right or wrong, I think more importance has been given to it than need be. I think this is clear enough; that O'Hanlon did not represent a secret society that was causing crime, and it has been put forward as the expression of that fact, and not of the question whether secret societies were in existence.

Then, my Lords, one word I think it right to mention, because it bears on Delaney's testimony. Mr. Davitt was under the impression, I think, that Delaney had said that he, Mr. Davitt, was supporting the view of O'Hanlon. If reference be made to Delaney's evidence, in re-examination, and partly in his cross-examination, it is quite clear that all that Delaney said was that Mr. Davitt endeavoured to secure a hearing from O'Hanlon. And that it would be fairer that O'Hanlon should have a hearing, and that in that view for the purpose of obtaining a hearing no doubt there should be immediate action in no other way. Delaney's evidence upon that,—it may be important to have it on your Lordship's note—is page 1895. There is also a letter of John Devoy on the subject, which appeared on the 18th June 1880. It was put in evidence during Mr. Davitt's examination, and he says that this has nothing to do with the secret society. He speaks of it as a matter of policy:—

“And it is in the name of Ireland that everything is done, whether it be the tearing of Mr. Parnell's trowsers or the breaking of a head or the back of a chair in the Rotunda or the shying of a rotten egg, supplied by the Dublin league dealers, at Mr. A. M. Sullivan.”

So he deals with these matters, saying he did not for one moment suppose they were connected with any secret society. I wish to submit to you who these men were who

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were opposing Mr. Parnell, which I think we can easily trace. Mr. Parnell at page 4081 speaks of the Fenians opposing him. But we have Mr. Davitt's evidence who knew much more about this matter. And his testimony is, that in September 1879 all the leading Nationalists have joined. Your Lordship will recollect that letter. And therefore we are now dealing with the affirmative proof that is given, I mean by way of argument, as to these two meetings which have been so much dwelt upon, and referred to more than once by my friend, in supporting the view that secret societies were committing the crimes that we are dealing with.

Now I come to some negative proof which did not exist. May it be borne in mind that Mr. Davitt, when he returned from America on the 20th November 1880, paid a visit to Mr. Parnell, and told him that the crimes that were being committed, were alienating the American people. From what? From the Land League movement. And that the Land League would obtain no more money if the crimes were continued to be committed. How is that consistent with the argument that the enemies of the Land League were committing the crime? If the enemies of the Land League, the secret societies had been committing the crimes, no one would have known that fact from hearsay, at least sooner than Mr. Davitt. He had been associated in the West of Ireland with the Nationalists, who would know what was going on in each locality. And when he was met on the public platform, and in the public press by the argument which he says he was, that the outrages that were being committed would turn aside the American contribution, it was a conclusive answer which he had to use, if it were a true one, "We have nothing to do with these outrages. It is our enemies who are giving us all this, so that we must combat this commission of outrages." But what was Mr. Davitt's course? To appeal to Land Leaguers to stay outrages. I have mentioned before that between November 20th, 1880, and February 3rd, 1881, Mr. Davitt's speeches were not infrequent, when as I pointed out to you in that tone of policy causing him to deprecate outrages, he had appealed to his hearers according to this view of Sir Charles Russell, to have nothing to do with the outrages. It was the very enemies of those men while this inquiry is proceeding to whom my friend has attributed their commission. Why, the speech of Mr. Davitt must have been worse than useless. Those men might have turned round and said, "Why tell us these outrages are being committed? We have nothing to do with them; we are being weighted by them; the men who commit them are our enemies." That must have been said according to the theory of Sir Charles Russell. Yet not one word of that has ever been found either by way of writing by Mr. Davitt to Mr. Parnell, or in Mr. Davitt's speeches.

There is another document to which I would refer, the Circular to the Organisers. That circular which I pointed out suggesting to them that the organisers should try to prevent two classes of outrage only.

(Mr. Davitt.) No, I did not say that.

(Sir H. James.) I said so. I suggested to their Lordships' that that document does contain to the organisers the suggestions that threatening letters and maiming of cattle are objectionable. To that extent it asks the organisers to prevent the Land Leaguers committing those offences. What had they to do with them. According to Sir Charles Russell they had not maimed the cattle; they had not sent notices. All these notices were acts of secret societies. Does your Lordship find in that document, written after Mr. Parnell had been consulted, circulated after he had seen it written by Mr. Davitt, as I understand, with all his knowledge, can you find in that document one trace of any suggestion that any secret society had committed these crimes? Reasons are given why the organisers of the Land League should argue with their organisation, and with Land Leaguers; but there is no suggestion that the secret society should be encountered, and it ought to have been encountered. If the theory is a correct one, it should be encountered by argument—by physical strength even, and should be met in every possible way, and thus have been defeated. The document proceeds upon an entirely different theory, namely, that the Land Leaguers have to be restrained. Why this theory which is now prepounded, as the basis upon which you are asked to act be correct, that document is an absurdity. It was appealing to the wrong people by the wrong means: keeping back the truth and putting forth the falsehood. And it was so written by gentlemen who must have known, and fully known according to the evidence now given, certainly by Mr. Parnell, though I must say, not by Mr. Davitt, that what they were doing

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could have no effect. For it would be appealing, as I have said, to the wrong people, and to the wrong condition of circumstances. Having pointed out to you that whilst Mr. Davitt's speeches were silent, and the circular is silent, I would also point out to you that at page 5571 Mr. Davitt says that the vast majority of the Irish people were opposed to secret societies. Well, my Lords, if that be true, as Mr. Davitt says, that he had made up his mind that secret conspiracy would do no good for Ireland, for the vast majority of the Irish people would always be opposed to secret societies through the opposition of the Church, the continuous opposition of the bishops and priests, we are forced to ask the question, if the great majority of the Irish people are thus opposed to them, where did the secret societies come from? The members of them, where were they enlisted from? The great majority of the agrarian class were, we are told, Land Leaguers, and therefore must have been opposed to secret societies on this view. What then is the theory? That in their minds, these outrages were committed by secret societies, to whom the great majority of the Land Leaguers were all opposed. And yet, my Lords, throughout this case, with the exception of Mr. Lowden's statement that there were some Herd Societies in Galway or Mayo, with the exception of that one band of Moonlighters there known as the Revolver boys, you have not from the opponents of the Land League or the members of the League, been able to trace the action of any secret society. Still further, I would ask, how was it that the enemies of the Land League, in secret society formed, were never denounced at any meetings or at any branch of the Land League by any resolution or by any action? How is it that they have escaped detection? Why have they, the enemies of the Land League, not been met as enemies always, or generally are met? Why have they not discovered, denounced, or punished them? Yet, my Lord, we have a smooth and easy surface, not even a ripple upon the waters face. Can we find there was any disturbance in any locality affecting a secret society? I can show your Lordship, by a mass of testimony, that we cannot discover any other society than those which were local bands of young men in different localities. It may be that those who instructed my friend thought fit to designate the farmers' sons, the sons of the members of the Land League, as secret societies, finding to exist in six or eight bands of Moonlighters, and say that is a secret society. My Lords, if that is all they mean, we should beat one. There were bands of men committing these outrages in each locality no doubt, and no doubt it was not a single one committing them, and therefore bands of men did commit them—that it was not a secret society, it was a band of men. There may be a secret society and combination may have arisen; but as to this important matter I have to show you there is no other band except these Moonlighters, and I am going to show you that they were going to carry out the degrees of the League as the degrees of the law.

My Lords, I will also, following up Mr. Davitt's view that there has been a natural opposition to secret societies in Ireland, refer to the evidence that was given by Archbishop Walsh, at page 4261. The Archbishop there says that there has been a general tendency away from the direction of secret organisations. I think, my Lords, that that very reverend prelate was speaking rather of a Fenian organisation, and was speaking of the more open organisation, of what has been termed Mr. Parnell's movement; but his view generally seems to be that the tendency was away from secret organisations. My Lords, to support what I have just addressed to you, that you can find no attack upon these secret societies, may I refer you to Mr. Parnell's own evidence, at page 4125. He was asked upon that very point whether he could point to any single denunciation of secret societies by any one of his colleagues in the whole course of the time from 1879 to 1888.

Now, Mr. Parnell's view is this:—

“I will examine their speeches, and endeavour to inform you upon the point.”

“Q. Do you know of any denunciation or argument against secret societies in any one of the papers?”

which, of course, I have not referred to—

“A. I have not noticed such.”

Then at one point Mr. Parnell promised to produce the list, and I think he did upon the second occasion too, but certainly he does there, and no such list has ever been

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produced. I again accept and admit gladly Mr. Davitt's comment. Mr. Davitt says that Mr. T. D. Sullivan gave evidence of something appearing in his newspaper. I do not think they were produced.

(The President.) Yes.

(Sir H. James.) I do not think there was ever any article produced against secret societies committing crimes.

(The President.) No, it was a genral list, a set of extracts which were prepared with the article *in extenso*.

(Sir H. James.) My Lords, what was in my mind, I may be wrong, was this, that those articles were not articles condemning secret societies for having committed crimes.

(The President.) No, they were general denunciations of crime.

(Sir H. James.) Yes; this speaks for itself. My friend Mr. Askwith, who has everything, to hand, hands me this pamphlet. Perhaps my friend will excuse me if I do not read it at present. Your Lordships have it before you. At page 4120 again Mr. Parnell is asked—

“Will you undertake to say that you ever denounced secret societies in any public speech made in Ireland between 1879 or the end of 1878 and the middle of 1881?—A. I do not call to mind any such denunciation in reference to secret societies at all.”

Then my Lords, dealing again with what I say is the negative proof of secret societies as to establishing their absence from crime, may I remind your Lordships that if during 1880 and 1881 these secret societies were committing crime and crime would have ceased if the secret societies had been detected and punished, what should we have to say to such speeches as Mr. Dillon's, in which he appeals to the young men and to the manhood of Ireland. The secret societies then existing must have been formed of these very young men that Mr. Dillon in the speeches I read to you two days ago is appealing to, to support the Land League and to carry out his view. Not one word fell from him or from the gentlemen of like authority or from Mr. Parnell, as he tells you, denouncing these secret societies. I must take it as a fact that during this time those organs of the press at the request of Mr. Parnell and Mr. O'Brien were silent. We cannot find a trace of their having denounced secret societies. At page 4699, Mr. O'Brien is asked—

“Did you ever, during the whole time that you were editor of “United Ireland,” denounce secret societies by name?—A. Indeed I did not; not that I remember, certainly.”

And, my Lords, whether by name or not, we can find no denunciation. My Lords, for one moment, what proof have we of the persons who were committing these crimes, I will take, as I have endeavoured always to do, the proof from those who have been called on behalf of the Respondents. At page 5,610, Mr. Davitt, is being asked as to the persons committing crime,—

“Were you able to form from your inquiries and your observations any opinion as to the class from whom these outrages proceeded?—A. Well, I can only state what was told to me by priests and others in the West of Ireland with whom I had some conversation afterwards about these outrages.”

“Q. From what class were they supposed to proceed?—A. I think from local agrarian bodies, of half a dozen or a dozen men, perhaps a couple of men in a place; I do not think there was any connexion.”

Now, my Lords, in justice to Mr. Davitt, Mr. Davitt has never said, that I know of that secret societies committed these crimes. This is not much like a secret society:—

“I mean of what class were they?—A. Oh, chiefly the sons of smaller farmers, and it is singular, but true, that in nearly all the western counties the leader of those bands was an ex-militaman or an ex-soldier of some kind.”

My Lords, throughout this case we have cross-examined every witness,—

“Were the farmers in your neighbourhood Land Leaguers, all or nearly all; did their sons live with them in the same house?—Yes. Would their going in and coming out at night be known?—Yes.”

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Those, my Lords, were the very men that Mr. Davitt is speaking of, and those were the men not in any general connexion with any known name, but the sons of farmers who were the Land Leaguers were the persons who Mr. Davitt says here positively committed the outrage. Mr. Parnell agrees in this description himself, as I read it at page 4176. This question was put to him:—

“ I will just ask you as this matter here comes up, in your view, from the information that from time to time you received, what was the class of persons or from whom did the agrarian outrages ordinarily proceed? — A. They appeared to me, from the information I received from time to time, to proceed from the lower class of the tenants and the remnant of the Ribbon Societies throughout the country who collected together in each locality and formed small organisations amongst themselves, and went about committing these outrages for the purpose of intimidating the larger tenant farmers from paying their rent.

“ Q. In other words, the small farmers or the sons of the small farmers, or labourers, or the sons of the labourers?

“ A. Yes, the young men, sons of what would be called the lower class in the district, the sons of the poorer class.”

What, Mr. Parnell speaks of are these small societies; I have, of course, been pointing out to your Lordship who those were. While your Lordships recollect that whilst these persons are said to be formed into secret societies in order to injure the League, Mr. Parnell has to admit in a passage I have already quoted to you at page 4165, that they were carrying out the views of the Land League, that they were intimidating persons for breaking of the law the Land League. It is put to him—

“ The secret societies, whatever they were doing, among other doings, were threatening the land grabbers?—A. Yes, they were, I suppose.

“ Q. Were intimidating persons who paid their rent?—A. Yes, I suppose so, visiting them at night, and so forth.

“ Q. Were intimidating persons who had taken evicted farms?—A. Yes.

“ Q. Were, in fact, intimidating persons for breaking the laws of the League?—A. They were intimidating persons for doing those things which we had advised the people not to do unquestionably.

“ Q. They were intimidating persons from doing those things against which the League preached?—A. Undoubtedly ”

is the answer.

Then, my Lords, occurs this, which I was in search of a few minutes ago. This question was put to him—

“ Why did not you warn the Land League people against these secret societies?—A. Well, the warnings were given in shoals at all the Land League meetings, they had been given by the men who were most justly entitled to preach to the people against them from a social point of view. There was no meeting at which I attended where warning against secret societies and against crime were not given by the chairman and by other speakers.

“ Q. Well, you point to one single warning against secret societies reported in any paper prior to 1881?—A. Will you give me that last list that has been made out. If Mr. Lewis will give me the last list that has been made out of denunciations of crime.

“ Q. I am not asking about denunciations of crime, I am upon secret societies.”

Then Mr. Parnell says he can find such speeches and he will hand them in, and he says—

“ It is utterly impossible for me to keep all the names in my head.”

My Lords, we have had no such information, and we have never been able to obtain it. Then my Lords, I should like to read the views entertained by this witness, who was called late in the case, the Rev. Patrick O'Connor. It is at page 5291, and although he is speaking of a rather later time he gives the account of the crimes:—

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“The origin of the moonlighting raid for arms was to be sought for in the determination of the people, especially of the young men of the district to create such a feeling that no one would venture to take such a farm.”

That my Lords, is Father O'Connor's view, and that is exactly the view I am presenting to your Lordships.

Another authority, my Lords, who must have a great knowledge of these matters, was Mr. Edward Harrington, and at page 5098, he expressed his views of the combination:—

“Have you reason to think that Moonlighters, as a rule, were aided by persons who had more or less of a military organisation?—A. I believe it must be some militiamen or ex-militiamen who organised themselves, because they had some organisation or *quasi* organisation among them, it may be Kerry militiamen or other militiamen who had a great deal to do with the organisation, but no doubt the young men of the place must have gone into it, farmer's sons and farmer's servants.

“Q. And as outrages were committed at night, these young men living in the houses of respectable farmers, they would know what time they would come in in the morning, would they not?—A. Undoubtedly the most serious and fatal outrages in Kerry were committed in the night.”

My Lords, I have therefore now the views expressed by a great many of these gentlemen as to who were the persons committing outrages. I need trouble your Lordships with only one other piece of evidence which I regard as material, and I am glad to refer to it, and that is the evidence of Father O'Donovan. I shall have to deal with the action of the clergy of Ireland in a short time, and I have some particular references to make as to their action, but I am glad at once to speak of this reverend gentleman, and speak, as far as I am concerned, with commendation of the course which he took. The task is brought to my notice because I am bound to say the course that Father O'Donovan took is unique. Your Lordships will recollect the evidence on page 4,566. He was the curate of Tulla, in County Clare. Clare was really free from crime in the early years of 1879 and 1880; I think earlier too, and also a little later. The Land League was established there in the summer of 1880, and Father O'Donovan was President of the Land League, and as far as I can remember of his evidence, it seems to me that Father O'Donovan was conscientiously objecting to outrage, and that he even tried to stop it to the extent of communicating with the police; and, my Lords, here I say that his action is unique for reasons that I shall afterwards have to deal with. He had to be placed under police protection from the people in the neighbourhood, because he had so endeavoured to stop crime. Your Lordships will find it at Question 69,616; and, my Lords, what course did this reverend gentleman take with his knowledge of the district? He did not say “the secret societies have caused this state of things, and I, who have charge of your morality, and have charge of higher considerations still, ask you to stop the secret societies,” but with his full knowledge of the district and of his parishioners, he dissolved the Land League. Your Lordship will find that at Question 69,375. My Lords, he knew what was taking place, and it was this reverend gentleman who, as I say, stands amongst his fellows a bright example of bravery, although denounced and under police protection he fought on, and fought, as I am submitting to you, a good fight, and he dissolved the League. At page 4570 he tells you who constituted the body he thought it necessary to dissolve.

“Now, as to your Land League, were most of the householders members of your Land League.—A. Yes.

“Q. They were?—A. Yes.

“Q. That would be the tenant farmer himself?—A. Yes.

“Q. Did you only have as members the heads “ of the families?—A. The heads of the families only.

“Q. You would not have anything to do with their sons or young men?—A. No.

“Q. Did those young men live in the neighbourhood or with their fathers?—A. Yes, with their fathers.

“Q. They lived at home with their fathers?—A. Yes.

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" Q. The father, the head of the family, being the Land Leaguer, the sons living at home in the same house?—A. Yes.

" Q. I need not ask you these houses are very small?—A. Yes.

" Q. As you say probably wretched, small houses, so the family would all be together?—A. Yes.

" Q. And the coming in and going out of every member of the family would certainly be known to the head of it, more or less?—A. Yes.

" Q. Where did the Moonlighters come from?—A. They were mostly the sons of those men.

" Q. Living at home with their fathers?—A. Yes.

" Q. You have just told me they denounced you openly once?—A. Yes.

" Q. You, in your examination in chief, said the Moonlighters denounced you openly?—A. Yes.

" Q. Then you knew who they were?—A. I did.

" Q. They were the sons?—A. Yes.

" Q. These were the men who committed the outrages?—A. Yes."

So my Lords, here I will say nothing at present of many who occupied the same position as Father O'Donovan. Here is one who, knowing who committed the outrages has nothing to say about secret societies. He has to tell you exactly what we are presenting to you, that the young men, the sons of the Land Leaguers coming in and going out under the circumstances that Father O'Donovan tells you of, were at night the police of the Land League, and that Father O'Donovan, acting upon that view, thought it necessary to dissolve the Land League in order to stop the outrages. Then he also gives your Lordships a little information in respect to what these Fenians were at page 4575, he is first asked as to secret societies, and he says—

" Well, I think there were some of them were Fenians and some of them were not.

" Q. I am speaking as to Moonlighters. When do you say that such a society first came into existence?—A. I could not tell that, I think, when Fenianism first came into existence, but then it was not so widespread at all till the Land League days.

" Q. It was not so widespread until when?—A. It was not so widespread in Tulla.

" Q. Until when?—A. Until immediately before the Land League of 1877, when it spread into the parish of Tulla.

" Q. I think your first answer was until the Land League?—A. Well, I was making a mistake. It was two years before. It was fully two years before, about 1877."

I think he corrected that afterwards to 1878.

" Q. Father Donovan, you had known of Fenianism, for I suppose a great many years?—A. Yes.

" Q. Speaking generally now of the class who were the Fenians?—A. They were the sons of small farmers.

" Q. The same young men?—A. Not all the same young men; all the Moonlighters were not Fenians. There seemed to be wheels within wheels.

" Q. But all Fenians were Moonlighters?—A. Well, I think they were even leaders of the Moonlighters, and anxious to draw the Moonlighters into their society.

" Q. Now, you say two years before the Land League days, I presume by that you mean 1878, Moonlighters were known by name as members of a society?—A. Well, I think so."

and that is all he says. He also speaks about the Fenians being in favour of outrages. At page 4,577 he says—

" You say you have known of the Fenians all your life; since 1868 certainly you have known of the Fenians?—A. Oh, yes.

" Q. Do you represent that the Fenians were in favour of outrage upon individuals?—A. Well, I think they were latterly, not formerly."

I have it from Mr. Parnell, from a mass of evidence that he gave, and the importance of which your Lordships will now see, that the Fenians left alone, and before the Land

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League, were never in favour of outrage. I have acquitted them of that by the evidence which I gave you this morning, but, says Father O'Donovan, I think the Fenians were latterly, not formerly, in favour of outrage. That is, of course, the young men who were Fenians, some of them had to carry out their decrees.

"Fenianism in its origin was known to you, I think; it certainly had nothing to do with outrage upon individuals, had it?—A. It had latterly.

"Q. Originally, I said?—A. Oh, no.

"Q. When do you suggest that Fenianism changed the object of its existence, or changed one of its objects?—A. I could not say.

"Q. About when?—A. I could not fix any time.

"Q. Approach some time. You said latterly. We must have some construction put upon that?—A. I knew the party who were Fenians to be in the outrages lately.

"(The President.) That those who had been Fenians had become members of another secret society. I did not collect him to be suggesting than Fenianism changed its character?—A. No, they continued to be Fenians."

Therefore Fenians who had been pure from outrage, according to all the evidence which has been put before you on the part of the Respondents, latterly took to outrage. Your Lordships will recollect that Clare was free from outrage, until the Land League came into existence it was a pure country, and then at this time this is marked by outrage being committed, and these men who had been free from outrage became the committers of these crimes, and those, my Lords, were Land League times.

My Lords, I am glad that I have been able to speak of Father O'Donovan in the way I have, and I am glad I am able to show that he took the course of curing the disease; it might have been in operation, but he cured it by dissolving the Land League. My Lords, I am sorry to say that I have testimony of a very considerable character as regards bulk, but which I will render as brief as I possibly can. It is the evidence, summarising it, of a mass of witnesses who tell your Lordships that they knew of no secret societies. I would rather perhaps deal with the few witnesses who do speak of them, perhaps it will save me a very great deal of trouble and your Lordships too. The great witness who spoke of secret societies was Irwin, at page 443. My Lords, I read his evidence as not giving any name to any secret society, or giving any locality, but I think he is speaking of the Moonlighters, and he is speaking of the remnant only, those portions of the Fenian body who had become Moonlighters. Also at page 540, he is speaking only of Moonlighters and of the Fenian body.

Then we have, my Lords, Mr. Loudon, speaking of the Herds Society, which he says he gives on the authority of a Roscommon policeman, and he never said there was any secret society of this character, and never said it was a secret society, or an organisation for crime.

(The President.) What page is that?

(Sir H. James.) The page is 5797. Mr. Loudon says he is speaking on the authority of a Roscommon policeman, he forgets the name, but my Lords, that policeman was really Murphy. I do not stay to analyse Mr. Loudon's evidence, but I submit to you that it was of a most insufficient character, and the account that he gave of allowing this society to be at large for certainly more than a year, as he said passing from place to place until it spread through Joyce's country committing murder, and doing nothing to stay its hand, seems to justify the observation that Mr. Loudon could not be accurate in saying that he was allowing murder to take place if he knew of a secret society committing it, and doing nothing to stop it; but when he quoted Murphy he quoted him wrongly. He gave his evidence on pages 780 and 781, and he did speak of a secret society certainly. The word he used was a League in Roscommon. They may have been anything, it may be anything like the National League, it might have been a charitable institution, it was not a secret society Murphy spoke of, and my Lords, when I read Mr. Loudon's evidence, and the way in which he made the charge against the dead policeman Whelan, of having instigated crime, and when I read his evidence, especially in cross-examination, I cannot conceive Mr. Loudon's evidence will be regarded as establishing to your Lordships that secret societies existed.

My Lord, I said I had a mass of testimony, and I really cannot detain you by reading the numerous witnesses that establish my proposition. I would especially

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refer your Lordship, if you will allow me, to Captain Plunkett, at page 2010, and in the same way to Inspector Crane, page 1221. Then, my Lord, special emphasis I would seek to put upon the evidence of Inspector Davis at page 1117. You will recollect that Inspector Davis was spoken of very favourably by Mr. Louden. We are divided in opinion as to whether it was Mr. John O'Connor or Mr. Louden. I think it was Mr. Louden; but I am certain it was either Mr. O'Connor or Mr. Louden. Your Lordship will recollect Davis in the box. Upon this point his evidence was: "I discovered that in the Land League there was a secret police who carried out the behests of the Land League." Then, my Lord, I could proceed; but I really must ask your Lordships to allow me to economise as much time as I can do consistently; and I will only say that if the evidence which I have before me in great detail be referred to, the witnesses are almost innumerable in this inquiry who would cause you to think that secret societies could not have existed without their being known and better known than these witnesses would cause you to believe.

My Lord, I am passing over many references that establish that proposition; but I must discriminate to some extent; and I simply make that assertion respectfully asking your Lordship to regard the evidence as given by witness after witness, whose name, if you wish it, I will supply to you.

In relation to this matter I have now, I think, a very serious matter to deal with. I say you cannot find, by any prominent member of the Land League movement, denunciation of secret societies. I have pointed out to you that the press was silent, and that, as I said, no one was ever dealing with a secret society as the enemy of the Land League in committing crime. I have now two witnesses to call who, I say, tell your Lordship the truth in this matter, called on behalf of the Respondents. I regret to have to refer to an incident which occurred in this case, but which it is impossible for me to pass by; and that is the evidence that was given by Mr. Parnell, and the circumstances attending Mr. Parnell's evidence when making the statement which he did. The evidence I am immediately referring, to which I would ask your attention, is to be found at page 4122. Your Lordships will recollect that in the early session of 1881, on the 7th January 1881, Mr. Parnell made a speech, and in the course of that speech, he said:—

"Now, the choice that we have before us is this, whether you will have an open organisation, which undoubtedly has committed some mistakes, whose action, in some respects, is open to blame and criticism, I do not wish to deny for a moment; this action is being very fast modified by experience and by advise, in such a way as to make it exceptional, whether you will have such an open organisation or whether you will have a secret conspiracy. Secret conspiracy do not now exist in Ireland."

That was Mr. Parnell's statement,

"I used to hear of the secret conspiracy of Ribbonism, a most powerful organisation; an organisation which, I have been informed, had its headquarters in Manchester, but you crush down the people with coercion, the result must be that you will have Ribbonism and kindred societies for the purpose of doing that by secret conspiracy which you prevent them from doing by open organisation."

It is in reference to the explanation Mr. Parnell afterwards gave I wish to mention to your Lordships that Mr. Parnell himself referred to the report of his speech; and, therefore, I presume, it is in your Lordships province to do so. As far as I know, that is the whole reference in that speech to secret societies. I do not myself read any other portion of his speech as bearing upon the existence of secret societies. That will stand without contest. So I read it. The speech is before you. I hope you will correct me if I am wrong. I do not find any other reference. Your Lordship will find the words "Secret conspiracies do not now exist in Ireland."

Now there is testimony that I refer to as being the true testimony. My learned friend, Sir Charles Russell, at that time had put forward his theory, and the attention of Mr. Parnell is called to a statement which is entirely contradictory of the theory. Now this is what he says:—

"Did you believe those words to be true when you read them?—A. I cannot exactly say without reading the context of the speech what my view was in

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“ urging that argument, but it is possible I was endeavouring to mislead the House on the occasion.

“ Q. Do you mean, sir, it is possible you were endeavouring to mislead the House on that occasion?—A. In order to cut the ground from under the argument of the Government in support of the Bill.

“ Q. Do you mean, sir, by a statement false in fact, and contrary to your own opinion, which you have sworn to to-day?—A. I mean that it was a boastful and an exaggerated statement, and probably designed to mislead the House upon the question of the greater or less existence of secret societies in Ireland.

“ Q. Mr. Parnell, you have used the words ‘mislead the House.’ Have you ever, directly or indirectly, until this moment withdrawn that statement?—A. I should think that I have never thought of the statement from the time I used it until now, or ever had it brought under my notice.

“ Q. Did you, or did you not, intend to misstate the fact when you made that statement to the House?—A. It is very possible that I did.

“ Q. Deliberately?—A. Deliberately; quite possible.”

Those are the exact words uttered by Mr. Parnell. Then he proceeds:—

“ Do you think that statement did mislead the House?—A. I am afraid it did not, for they passed the Act.

“ Q. You wished it to mislead the House?—A. I should think so certainly.

“ Q. You wished it to have the effect of preventing the Act being passed?—A. I should think so.

“ Q. And you made a statement, and thereupon placed an argument knowing your statement to be untrue?—A. Knowing my statement to be at all events a boastful and exaggerated one.

“ Q. And a gross exaggeration?—A. Very probably a gross exaggeration.

“ Q. An exaggeration of what?—A. An exaggeration as to the extent to which secret societies existed in Ireland.

“ Q. And not founded on fact?—A. Not founded on any information in my possession.

“ Q. ‘Secret societies do not now exist in Ireland’ is your statement, you know?—A. Yes, it was a very broad and a very sweeping assertion.”

Now, I will at once read the explanation that Mr. Parnell gave in this matter. It is on the next day that the Court met. There was an interval between the Friday and the Tuesday, and Mr. Parnell gave this explanation at page 4135:—

“ Then the second correction that I wish to make, is with reference to the paragraph in my speech which was quoted by the Attorney-General, the speech of the 7th January 1881, when I was moving an amendment to the address, and which the Attorney-General read out for me, and which I admitted as indicating that I was engaged in an attempt to mislead the House of Commons; that I was representing that all secret societies had ceased to exist in Ireland, and that that was not a correct statement, in fact it was an untrue statement to my knowledge. That was the substance of the evidence I gave my Lords, but I find upon reference to my speech in “Hansard” that the representation that all secret societies had ceased to exist in Ireland was neither within the scope or drift of the argument of that speech, nor of the passage in question. I was referring, I find, to the great Ribbon organisation that has been very strong in the history of Ireland, and which had commenced to crumble away in 1872, at the commencement of good times and the subsequent years, and which at the date to which I was referring was practically non-existent. That was the secret society to which I was referring in my speech, and that was a fairly accurate representation of the state of existing affairs so far as I understood them, and not a misleading statement either intentionally or otherwise. Of course I knew at that time that the great Fenian organisation had branches all over Ireland, and in looking at the statement in the speech, a broad one, that secret conspiracies had ceased to exist, I supposed that I had referred to the cessation of the existence of the Fenian branches as well as of the Ribbon societies, which would have been manifestly a false statement.”

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Mr. Parnell there speaks with reference to his speech. I say I know of nothing in the speech but these paragraphs I have read to your Lordship. The speech is in Court. The volume of Hansard is here and I could find it. Now in this speech Mr. Parnell says distinctly, and he does not dispute the correctness of the words, "secret conspiracies do not now exist in Ireland." Therefore there is no reference to Ribbon societies. But upon that point, while it affects the question whether they did or not it does not affect the grave matter which has now certainly been brought by Mr. Parnell to your notice. Whether he was speaking of Ribbon men or not, whether he was speaking of all secret societies or not, let, I say, this explanation be regarded in the most favourable view it can be regarded to Mr. Parnell, after what I have said, where is the explanation of those words which were far more important than the words he used in Parliament, I mean the words that he used in the witness-box. Where is the explanation or the attempt to explain these words, "It was possible" "I was endeavouring to mislead the House on that occasion. It was possible and" "very possible that I deliberately intended to mistate the fact when making the statement in the House." For one moment it is impossible within the discharge of my duty not to refer to that statement. I say that statement was the one that required explanation. After days for reflection Mr. Parnell must have known that he was standing arraigned at the bar of public opinion as one who was capable of deliberately attempting to mislead the House of Commons by a misstatement of fact. That was the charge made against himself by himself. My Lord, what does that mean? I only know this, that if a member of the House of Commons had made that charge against Mr. Parnell he would have been at once withdrawn from performing his duty in the House until that charge had been withdrawn. He would not have been allowed to have made it within the rules and orders of the House of Commons; it would have imputed conduct so dishonourable, so base, to a member of Parliament that no member of Parliament would be allowed to remain in that House under such a charge. Self-accused, Mr. Parnell makes that charge against himself and has no explanation to offer of it. My Lords, there were men who anxiously hoped an explanation would come. I cannot speculate upon how those words used by Mr. Parnell may have affected other men. May I for one moment refer to myself, and say there was but one feeling when I heard it, and that was a feeling of deep and sincere pain. I have said once before that the characters of public men are not their own; that the sum of the character of a nation is made up of many factors, and amongst them is a conspicuous one, namely, the character of the men who have guided and led the people, and therefore when this admission is made, we must have tarried to think what will be said of this time when such things can be tolerated, aye, and may be approved by political bodies.

My Lord, we shall have sometimes the question put what did this speaker's associates, what did his colleagues, what did the public of the time say of such a standard of morality as this? We can fashion to our mind, if for one moment we can look back and treat this as a matter of history; look back as if a time of impartial judgment had come when men's minds are not so blinded by political passion, as to make charges that are false or to approve things that are wrong, and it occurs to one that if on some page of history, when one is reading of some Irish statesman, say of Henry Grattan, one had read an admission that he had attempted deliberately to mislead the House of Parliament; my Lords, one would have looked sadly upon that statement for the morals of the time if such a statement were proved; and as regards the man one would have turned over the page and quickly turned it over on which such a statement was written, and should have regarded it as a blurred and a blotted page. Well, this question will have to be asked and will have to be answered. My Lords, it may be said that even, advocate as I am, the answer to that question ought now to be given. I ask your Lordships to relieve me from making any answer to the questions I have put. In future time they will be answered more dispassionately than they can be answered at this moment by an advocate. My Lord, I have refrained from condemning wherever I have been capable of doing so in accordance with my duty; so I refrain at this moment, for I would prefer that the judgment should come from others rather than from me. My Lord, I will display even a more generous standard of consideration towards Mr. Parnell than Cato displayed to Lentulus when he said:

"Parcite dignitati Lentuli si ipse famae suae pepercit."

Mr. Parnell has not spared himself; but, my Lords, I am doing so; but I can go no further than maintain silence upon this sad episode in this case. If I were asked in

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more generous mood either to defend or palliate Mr. Parnell, I would say it is not within either my will or province or my ability to do so. I can only, in substitution of my own advocacy, if such were called for from me in defence of Mr. Parnell, suggest that there is only one man who can find either explanation or defence for him, and that is Mr. Davitt. If Mr. Davitt will only repeat to your Lordships the speech that he made in America at Boston in 1880, and would then explain to you how it is that you are to find discrepancies between the speeches that Irish members make in the House of Commons and the speeches they make elsewhere; then, my Lords, if you cannot find excuse, you will find the explanation of this conduct of Mr. Parnell.

My Lord, apart from Mr. Parnell's own testimony, I have one other witness to call; one who, as I said before, has played no insignificant part in these affairs—I mean Mr. Matthew Harris. My Lord, this evidence that he then gave—it was one of the causes why I have not applied a very severe criticism to some portion of Mr. Harris's statement—upon this point was given at page 6060. I need not remind you that Mr. Harris played a very practical part, as I have said in past times as well as in immediate times. He had mingled much with the men of his own class; he had mingled much with the tenant farmers and the peasants of Ireland, and he had obtained probably a knowledge of all that was going on amongst that class greater and higher in its degree than probably any man in Ireland. He was, at any rate, a practical agitator. He had been an organiser, but he had agitated from his own personal views and moved by his own views. We have his evidence as to the existence of secret societies. He had written, your Lordships will recollect, a political letter to the "Irishman" on the 19th June 1880. Then this question is asked in relation to that letter of Mr. Harris—

" Q. At the time you wrote that letter, the 19th June 1880, were there any secret societies in Ireland except the Fenian?—A. No other secret society.

" Q. Except the Fenian?—A. Except the Fenian.

" Q. Were you applying what you wrote there to the condition of things existing in Ireland?"

He says "I was," and refers to Mr. O'Connell. Then there is this important passage at page 6061:—

" Q. At the time you wrote this letter, what was the use, do you think, that could have been made of secret societies?—A. Simply what I have told you; I do not think they could effect their object in freeing their country without them; they are a very powerful and useful democratic element in the community. Had it not been for the secret societies that existed in the country for some time past, that great organisation of the Land League never could have assumed the proportions it did,"

Those are the Fenians, of course.

" because in that state of society you had honest men and energetic men in every part of the country who were willing to assist in every movement."

Now, will your Lordship note this:—

" I know what I am saying will tell a great deal from what has been put forth in this witness-box, but I want to tell the truth."

and, my Lord, what had been put forward in the witness-box had been the statement of Mr. Parnell that then, as he gave his evidence, he was tracing crime to secret societies; and here comes Mr. Matthew Harris with his practical knowledge, and now recall the scene as we did recall it of that sick man and the years passing over him, at the end of his life standing in that witness-box and saying, "I know this will tell a great deal from what has been said in the witness-box; but I want to tell the truth;" and, my Lord, when he stood there, if those words had been heard—they were not; but if they had been heard by my learned friend, Sir Charles Russell. I think to his explanation as to the mental power of Mr. Harris, he would himself have been compelled to have offered a tribute at least to his frankness in spite of all consequences and careless of results, however much it told against his leader and his leader's statement, he would tell the truth, and the truth that he told your Lordship then was that from his knowledge of all that was taking place, except the Fenian society, there were no secret societies in Ireland, at least in the year 1880.

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My Lord, that is the case that we who are advocates of the "Times" newspaper have sought to present. It is an important and most important question in this case. It was a proposition set forth as I think from the stress of the case as it affected the respondents and their Counsel. It has been put forward in order to account for crime that cannot otherwise be accounted for, and if this hypothesis is destroyed; if it is confuted not by ingenious argument, but is confuted by the deliberate statement of Mr. Parnell in the House of Commons, before this inquiry could have been imagined by the mind of anyone; if it is confuted by the evidence of Mr. Harris, loyal to his cause, loyal to his leader, who seeks and claims simply the right of a man within that loyalty to tell the truth, then, my Lord, shattered goes the hypothesis; shattered are the causes that could have caused this crime and a step has been made—a long step—almost a conclusive step has been made to show what was the organisation, that had never existed before, that alone could have created the crime, alone could have controlled it, and who are the authors of it; and then, my Lord, but one step remains. That organisation proceeding from the arrangements and designs of men, remaining under the control of those men, their acts, casting back upon the authors and managers of that association, throws upon those men the responsibility of the crime that has been carried on by these actors and immediate actors, and establishes a proposition in support of which I have something more to say, that those who were the leaders in the Land League were also the persons answerable for the crime that was taking place in Ireland in the years to which I refer.

[Adjourned for a short time.]

(*Sir H. James.*) My Lord, I am afraid it has not occurred prominently to you that I have been able to maintain any great sequence in placing before you the events as to which we are inquiring. But I have been doing my best in such respect, and probably you may recognise something like an attempt so to do.

(*The President.*) We fully appreciate the difficulty of doing it, and we are much obliged to you for the assistance you are giving us.

(*Sir H. James.*) The course I have been taking in respect of the matters immediately before you were to deal with the three causes, the three more natural causes to which my friend Sir Charles Russell attributed crime. Your Lordships will recollect that he attributed crime to the existence of what he termed recurrent distress. That I met—so far as I am entitled to say I have met it—I dealt with it some days ago. I have not been dealing with the second causes to which he attributed the commission of crime, namely, secret societies.

And the third cause to which my learned friend also referred I am now about to deal with. That third cause comes under the head of evictions. I bear in mind the President was good enough to remind me of that fact that Sir Charles Russell had relied upon these evictions either separately or in connexion with distress as forming the cause of crime. My Lord's view was that my learned friend rather separated those causes, and I still think that was the case. Because having referred—

(*The President.*) I may remind you of the general line that Sir Charles Russell took, which was that they had a recollection of the events of the earlier years of the famine and that they had a dread of the recurrence of those events.

(*Sir H. James.*) Yes, my Lord, it was with that fully in my mind that I am now going to refer to what my friend Sir Charles Russell said. I do not know that I need read his words more fully to you. They are given in detail at page 3781. I think it will be so prominently in your Lordship's mind that I need not refer much in detail to the matter. My friend says that he claims to have proved that crime had always sprung from distress, and that this recurrent distress produced the crime.

Then, my Lord, my friend also, at page 3719, uses the evictions, or as your Lordship has said, though he does not do it at this page he does elsewhere, uses evictions coupled with the terror of evictions as independent causes of the commission of crime. Although, of course, fear of evictions may, I have no doubt, unsettled the peasantry, that fear must go very much hand in hand, even as the shadow goes with the substance,

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with the eviction itself. You must look at the number of evictions, and you must look at their bearing upon crime, and then, of course, you can understand out of the evictions, be they many, there must be much fear; and be they few, there is little fear.

Now, as to these evictions, it perhaps would be wise I should tell you the way in which I propose to deal with them. That there were many evictions we shall see when we look at them, more evictions of course than anyone would desire to see. But I have arguments to apply to this number of evictions. My Lord, I first hope it will meet with your approval that I should look at the evictions that have occurred on previous occasions of great distress; and treating as I have said evictions, and fear of evictions, as quantities bearing some proportion to each other, I should endeavour to deduce from the argument I am about to submit to you that when there were far more evictions, but when there was no artificial exaggeration placed upon these evictions, crime was much less than it was during the period of which we are inquiring.

And my second proposition that I am about to submit to you is that these evictions were evictions—not mere acts of hostility by the landlord towards the tenant, but that they were evictions sought after by the tenant; they were sought for by the tenant under the orders of the Land League. And that it was part of the policy of the Land League to cause these evictions to take place. That they wished it so to be for the purpose, first, of unsettling Ireland; secondly, for the purpose of injuring the landlord, that is, carrying on the war against landlordism. And that the evictions so produced would not create the same terror that an eviction that took place otherwise; but that it was that which the tenant brought upon himself and for bringing on himself, received compensation.

My Lord, if I establish these two propositions, I think I shall have struck away the foundation of my learned friend's argument, and shall show to you that the evictions could not have been the natural cause of the crime with which we are dealing.

Now I wish to place some figures before your Lordship, which are collected in the same way in which I collected the crime of the three months of 1880, if you recollect. Of course these are only figures taken from the documents that are before you. I am introducing nothing that is new. But as I collected them for the purpose of placing them before you, and it is but a matter of convenience, my figures can be checked with the papers, already in, if necessity arises.

(*The President.*) I think it would be better they should be reproduced in the note.

(*Sir H. James.*) Yes, my Lord, I am going to read them.

(*The President.*) They should be put in a convenient form.

(*Sir H. James.*) I am going to read them as I have them here. These are in the statistics before you, and I will refer to the documents from which I have taken them if necessary, and earmark every document. Will your Lordship recollect that in the statistical report which was put in evidence, the evictions do not commence until the year 1849. Would you allow me, before referring to the figures, to mention one or two facts. I am not doubting that I may take it that the years subsequent to 1845 in Ireland, the effect first being materially produced in 1846, were years of intense famine.

I have not tried to minimise the distress of 1879 and 1880. It existed sadly enough, but I do not think anyone could compare the distress of 1879 and 1880 with that bitter famine which swept Ireland from the year 1846, diminishing as you get to the year 1849, and passing away in the year 1852. Those, I think, are the years during which we can trace the existence of the great famine.

There is another period, also, with which I wish to deal—a period of great distress, namely, from 1861 to 1864. I will give you evidence of what was the nature of the distress of the years 1861 to 1864, but, for the present, will your Lordship allow me to deal with the years of the famine?

Now, I have taken the evictions in the years 1849 to 1852—the four last years—of the effects of the famine of 1846. And I seek to compare both evictions and crime with the corresponding period of 1879 to 1882. I cannot find any more befitting or better comparison than by taking the year when the Land League commenced, when, without doubt, all famine or trace of famine had passed away. Now, will you refer to the figures, first, of the evictions of families in 1849 to 1852?

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In those four years the sad record is found of the eviction of 58,423. The agrarian crime during those periods amounted to 4,245. Perhaps it would be convenient, my Lords, that I should read them:—

	Families evicted.		Agrarian crimes.
In the year 1849 there were	16,686	with	957
„ 1850 „	19,949	„	1,362
„ 1851 „	13,147	„	1,013
„ 1852 „	8,591	„	913
In the four years	- 58,423		4,245

And so, my Lords, we have in those four years 58,423 evictions of families, as I say, a said record, and of agrarian crimes 4,245.

Now, will you take the years 1879 to 1882? In the four years of 1879 to 1882, instead of 58,000 families evicted, we have 11,964, or about one-fifth. The numbers are—

	Families evicted.
1879 - - - - -	- 1,238
1880 - - - - -	- 2,110
1881 - - - - -	- 3,415
1882 - - - - -	- 5,201
In the four years - - -	- 11,964

and, my Lords, will you look at the table of agrarian crime? While we have only one-fifth of the evictions, we have double the crime.

	Agrarian crime.
1879 - - - - -	- 863
1880 - - - - -	- 2,589
1881 - - - - -	- 4,439
1882 - - - - -	- 3,432
In the four years - - -	- 9,023

And, of course, that result really represented only one-half of the year 1882, because it diminished mainly for certain causes that are not disputed. I merely mention their effect. But the result is that in those years 1879 to 1882, while there were 12,000 evictions, there were 9,000 crimes.

Now, will your Lordships look at those figures and note this fact? In 1881, when I am about to show you that distress at least was passing away, and when you had not so many evictions as you had in 1882, you had 4,439 crimes. That one year produced more crime than the whole of the four years of the famine between 1849 and 1852. For the whole of those four years there were 4,245 crimes; and in 1881 there were 4,439 crimes, or rather more than beyond the whole number. And look at the result. That year, 1881, has more crimes than the four years of great famine! It is represented by 3,415 evictions, while the four years of the great famine are represented by 58,423 evictions. Well, the result is, if evictions produced crime, that between 1849 and 1852 there were 13·7 evictions to produce one crime. In 1879 to 1882 it is 1·3 evictions to produce one crime. Well, I have heard it said somewhere. I do not know that I am at all a good hand at the operation, that statistics can prove anything. But I did hear some statistical arguments in this case adduced by my friend, Sir Charles Russell. And Mr. Davitt tried his hand too. But never mind. This is a very strange fact, if eviction, or fear of eviction, as I said, the shadow following the substance, the fear must be a quantity representing the reality, it is a strange fact (and I will not dwell too long upon it), that—

58,000 evictions produced 4,245 crimes,

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and

12,000 evictions produced 9,023 crimes,

and the proportion is—

13·7 evictions produced one crime in 1849 to 1852,

and

1·3 evictions produced one crime in 1879 to 1882.

Looking back at that period, the observation must go, that we are dealing with a period, in 1849 to 1852, with a population of 8,000,000; that 8,000,000 produced that amount of crime, namely, 4,245. In the year 1879 to 1882 we may take it in round numbers the population was 5,000,000; and, therefore, there is still greater emphasis to be put upon the number of agrarian crime being so much less during that period of agrarian crime, and less population, much greater emphasis to be put upon the comparison, I have now addressed to your Lordships.

The second contrast that I would make is with a period of 1861 to 1864. I feel the difficulty of proving the quantum of distress being equal; but, I think there can be no doubt the distress of the period 1861 to 1864 was very great. I am reading from the report that is in the 18th Annual Report, that is the Local Government Board; that is 1864–1865. It says in that report:—

“ The series of unfavourable seasons began with the autumn of 1860, when a blight, affecting a considerable part of the potato crop, took place, and there was at the same time a considerable failure of the oat crop. The result was a great rise in the price of food, especially of the ordinary food of the working classes, such, however, were the resources arising from several years of previous prosperity that very little distress showed itself during the spring and summer of the succeeding year 1861. The extreme wetness of the summer and autumn of 1861 resulted not only in a further failure of the crops but of what was called in the turf districts a fuel famine, a calamity which had never occurred to the same extent since the disastrous season of 1816, when it was followed by an epidemic of fever involving 1,500,000 patients and 60,000 deaths. In the spring and summer of 1862 there was a degree of distress among the small occupiers of land, far beyond the degree indicated by the Poor Law Returns of that season * * * The autumn of 1862 presented the third and, perhaps, worst season in the series and a corresponding pressure on the workhouses is observable.

“ Between that time and the present, two favourable seasons have intervened, and the corresponding effects are clearly traceable in the indoor diagrams and indoor summaries for 1863, 1864, and 1864–1865.”

And so, my Lord, I trace from that, that in 1861 and 1862 there was great distress passing away in 1863 and 1864, corresponding, my Lord, I think, almost closely, if you take 1879 and 1880, passing away in 1881 and 1882.

Then, in addition to the statement of the Local Government Report, may I recall you to that valuable table for many reasons. I mean the table attached to Dr. Grimshaw's report, without troubling you with figures more than I can help. Will you be good enough to turn to the returns of crops in the table for 1861, 1862, 1863, and 1864?

My Lords, I go at once, looking at the sufficiency of food for the Irish people, of course to the potato crop, and I am sorry I cannot give you the exact average of the potato crop, but you may take it a very low average crop was that of 1879, the period we are entering into. It was 1·3. In 1880 it was 3·6. Those are tons per acre. In 1881 it was 4 exactly. And then in 1882 it was again a bad crop of potato—2·4. Now, in the years I am dealing with, and which I ask comparison with—

1861 is 1·6

—which is, of course, very low. The previous years had been bad also:—

1860 had been 2·3

1861 „ 1·6

1862 „ 2·1

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and then 1863 we get better :—

1863 was 3·4 and 4·1

—which, of course, represents the passing away. But the years producing the distress have a singularly low crop. I do not think I ought to trouble with reading through the different crops. They bear out proportionately to the facts, the facts I have stated, that the two years 1860 and 1861 were very bad years in Ireland. There is a little evidence too on the point, which, perhaps, you will allow me to refer to—the evidence of the Reverend Dr. McCormack, on page 4345. He is asked about the year 1862 “what was the condition of the peasants?” when he first went there, and he says—

“It was pressing poverty. Immediately after I left college I became curate, and I remember getting moneys from the Mansion House Committee. I think there was a committee at the time.

“Q. In earlier Mansion House Committee, was that?—A. Yes, in 1869.”

It is printed 1869, but the next answer corrects it.

“Q. Not the one of 1880?—A. No, in the spring and summer of 1863. I remember getting money from Alderman Tebbitt.”

Then, again—I am quoting from the witness called on behalf of the respondents, whenever I can do so. Mr. Hewson, at page 5462, says, when asked this question :—

“Q. Were not agricultural affairs very prosperous in 1865, at all events up to 1875?—A. I know from 1860 up to 1864 while I was curate in Belmullett. I had a relief committee every year, the people were in such poverty.”

You will remember Belmullett is a coast union, exactly the same place we find the poverty and distress existing at the present time. Therefore, I come to the conclusion, as far as we can judge approximately, and that can only be approximately, there was distress which I should assume resembled in its nature the distress of 1879 and 1880. Now, again, will you look at the figures? They are not so striking I admit, as the figures I have given you; yet they throw some light on the matter. In 1861 to 1864 there were 5,886 evictions—far less than we dealt with in previous times, but still, sad to say, enough :

							Evictions.
1861	-	-	-	-	-	-	1,092
1862	-	-	-	-	-	-	1,136
1863	-	-	-	-	-	-	1,734
1864	-	-	-	-	-	-	1,924
							<hr/> 5,886 <hr/>

Now, will you look at the crimes in—

							Agrarian crimes.
1861	-	-	-	-	-	-	363
1862	-	-	-	-	-	-	349
1863	-	-	-	-	-	-	304
1864	-	-	-	-	-	-	178
							<hr/> 1,224 <hr/>

The maximum of those four years is 1861, 363, and the total 1,224.

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Now, compare those again with what I have stated before :—

				Evictions.	Crimes.
1879	-	-	-	1,238	863
1880	-	-	-	2,110	2,589
1881	-	-	-	3,415	4,439
1882	-	-	-	11,964	3,432
				<u>11,964</u>	<u>9,023</u>

I say this is not so striking. Before I gave you a proportion of 13·7 evictions producing 1·3 crimes, and now we have 4·8 between 1849 and 1852.

(*Mr. Justice A. L. Smith.*) That is wrongly printed. You have it between 1849 and 1852; it should be between 1861 and 1864.

(*Sir H. James.*) Yes, my Lord. It is a clerical misprint. It is—

					Crimes.
1861—1864	-	-	-	-	4·8
1879—1882	-	-	-	-	1·3

As I do not wish to go back to these figures, I have also printed one other table, which was put in in evidence by Mr. Edward Harrington. It is with reference to the county of Kerry, and is at page 5049. Will your Lordships note how the figures stand when they are added up. We have brought the figures of different quarters together, so as to put them before you—

				Evictions.	Agrarian Crimes.
1879	-	-	-	70	13
1880	-	-	-	191	298

Your Lordship will see 70 evictions, 13 crimes. That is before the Land League in Kerry.

In 1880, when Land Leaguism was rife, 191 evicted families and 298 agrarian crimes, after that.

Then your Lordship see it increased 200—

In 1881, 191 evicted families, producing 401 agrarian crimes.

In 1882, 192 evicted families, producing 401 agrarian crimes.

In 1882, 29 evicted families, producing 347 agrarian crimes.

Now, my Lord, we get the suspension of the active portions, as I shall show to you, the more active portions, in consequence of the Crimes Act being in operation. In 1883 we descend again to—

				Evicted families.	Agrarian Crimes.
				403	146
1884	-	-	-	410	117

Your Lordship sees in those years, after the summers of 1882, 1883, and 1884, we get back very nearly to the same proportion of 1879.

Then comes—

				Evicted families.	Agrarian Crimes.
1885	-	-	-	358	180
1886	-	-	-	538	209
1887	-	-	-	354	106

This table, therefore, shows that there never was a time when the evictions produced, if they produced it at all, such outrage and crime as during the years 1880, 1881, and 1882.

(*Mr. Davitt.*) 90 per cent. of those were threatening letters.

(*Sir H. James.*) My Lord, we have direct evidence in relation to this from witnesses that have been called. I would wish with your Lordship's permission to refer you to,

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and probably it will be convenient to do so without reading in detail, the evidence which we have given before your Lordships directly in this case that evictions did not produce crime. These witnesses are witnesses called on behalf of my clients. They were Mr. Dommick Barry, page 502, Mr. Allan Bell, page 565, Rudden, page 594, Kelly, page 604, Hennessey, page 723-724, Shea, page 1203-1204, Maurice Leonard, page 1023, Mr. Laing, 1416, Mr. Williams, 1393, and, my Lord, there is the evidence of Mr. Hussey, at page 1271. I cannot mention Mr. Hussey's name without asking your permission to say a few words with reference to his evidence. Mr. Hussey came into the witness box, and he literally was uncross-examined by either counsel or respondents in person, uncross-examined upon any act of his, and then, my Lords, without putting one word to him, my friend, Sir Charles Russell, thought it right, I am sure he thought it right, within the province of his advocacy, at page 3779, to make certain statements, which I have to submit to your Lordships, have not been proved at all, and to apply to his own statement this language.

“The resolution and its main purposes are directed to the condemnation of
“ what is supposed to have been, and if the facts be as I have said, the cruel, the
“ harsh, and the unjustifiable conduct of Mr. Hussey.”

I am claiming for a witness who appears here, that if he is to be dealt with in such language, certainly the facts upon which that language is based should have been put forward to give him an opportunity of explaining, and then if the facts be true as I have stated, there ought to have been an attempt made to prove those facts. The second point, as to the manner in which I deal with those evictions, I will show you by comparison, I hope, that crime is much greater in proportion to evictions at this time than ever existed before. I now propose to deal with that.

(*The President.*) You may be strictly accurate in the way in which you state that, but have you considered the figures of the year 1878 in which there were a great many evictions, and in which there was an increase of crime.

(*Sir H. James.*) Yes, my Lord, I have considered it in this way. While I did not wish to go on to very many things, those evictions did not produce any crime in 1878.

(*The President.*) There was a decrease of crime in 1878.

(*Mr. Justice A. L. Smith.*) There was an increase in 1878 of evictions, they jumped up from 462 to 980. What started that. What is your suggestion?

(*Sir H. James.*) If you ask me exactly to prove what was the cause of that, I really do not know that we have evidence to prove exactly what was the cause of it.

(*Mr. Davitt.*) I beg Sir Henry James' pardon, but I think, my Lord, I dealt with that, and I dealt with it out of this very report the “Times” put in which Sir Henry James is now dealing with.

(*Sir H. James.*) If you ask me what I say was the cause it would be necessary to look where the locality was, and I think we shall find that it was not where any distress existed. There was, I think, a great deal of unsettling in 1878, the “Irish World” was thrown into Ireland to a great extent, and though Mr. Davitt was for a portion of the year in America, he had been expressing his views strongly. Beyond that I can only say there the matter stands. It was not distress at any rate, and although your Lordship points out to me that the evictions took place, there is nothing like the corresponding increase of crime in 1878 as there was in the following year, nothing like. I will give your Lordships the figures afterwards.

(*Mr. Justice A. L. Smith.*) I have them here, Sir Henry.

(*Sir H. James.*) I have the figures. I will take the province in Ireland to which I think the observation will apply strongly, that is Connaught. I am reading from page 4072, and your Lordships know that that province would contain the two Galways, Mayo, Roscommon, Sligo, and Leitrim, places of very bad distress. The agrarian outrages for the year 1877 were 94; these diminished in 1878, there were only 84; if you look at the corresponding column, evictions in 1877 were 118, with 94 agrarian crimes, and in 1878 there were 365, three times as many, and a falling off in crimes, only 84. The observation does not apply with the same strength with respect to Munster. It is a different character of locality, because there were agrarian crimes 45, and they did increase to 74. When we compare that with the enormous increase afterwards, it bears no proportion, but as far as the worst part of Ireland from the

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distress is concerned, it would seem to indicate that the evictions while they increased lessened their effect in respect to crime.

I will now, with your Lordships' permission, pass to the second head of treatment of the evictions; and I submit to you this is a most important matter in connexion with the whole features of this case, as well as with these particular cases. What was the object of those who had charge of the Land League at this time? Avowedly, and proved to reiteration, they were warring against landlordism. What would have been the warfare they would carry on against landlordism? To cause the landlord to obtain a lower rent; what may be regarded as a just rent would do very little harm to the landlord. It would be a well-secured rent, and all that would take place would be that he would get some per-centage less than he had previously received by way of payment of rent; but that would not drive him out of Ireland. What was thought was to unsettle Ireland by driving landlordism away; and so what was wished was that farms should become vacant, and therefore being vacant, of course no rent would be received by the landlord, and that then the landlord should not be allowed to farm it for himself, and the result would be that real injury would be done to the landlord; and so after a time, not being able to occupy that possession, he would be got rid of. From first to last, both by leaders and by the rank and file, the view I have just presented to your Lordships was ever acted upon, and you will find that every influence was brought to bear, by solicitations, by threats, by recompense to these tenants not to pay their rents at all, to suffer eviction, so that the land might be derelict, and the landlord thus deprived of his means of livelihood.

I am not going to discuss now, if you please, what is the moral view of this question. I am taking the facts, and applying those facts to the quality of the evictions, and to the effect that the evictions would be likely to have upon the people evicted under such circumstances.

The first weapon, I think, to induce the tenant not to pay rent that I need refer to is the notices not to pay. Notices to the tenants were scattered about, telling them they must not pay. At page 1678 Dennis Feeley proves what I am now stating. The question to him was:—

“ Had you seen any notices, prior to this occurrence, about rent?—A. Yes;
 “ there were notices posted up (I have not the date exactly, but it was between
 “ the Irishtown meeting and this occurrence) for the people not to pay rent after
 “ the first Irishtown meeting.”

There was another instance at page 555, in Allan Bell's evidence. At page 556 he proves these notices were posted up. Did your Lordships also note that these notices to which I have referred, on page 555, which were threatening notices, were sent to all Lord Dunsandle's tenants on the 23rd December 1880—a threatening notice:—

“ Any man who will pay rent now will be boycotted, and get the contents of
 “ this card.”

These may not be regarded in the sense that they were brought home to anyone, but they were scattered.

Then, at page 564, Mr. Allan Bell proves that whilst these notices were posted or sent to Lord Dunsandle's tenants there were no evictions, and yet, my Lords, this district to which I have now referred was a very criminal district.

Now I have to bring the matter rather nearer home. I have some speeches of authority.

I have, first, a speech of Mr. Biggar's on the 21st of October 1880. It does not go to the extent of saying “ Pay no rent.” It goes to the extent of saying that persons are to pay only a certain rent. The advice that Mr. Biggar gives at page 7 of the speeches is:—

“ Name a certain number of good tenants not to pay more than the Govern-
 “ ment valuation of the land. It is the same in all parts of England and Scotland,
 “ namely, that masters and employers enter into arrangements. [He here referred
 “ to the trades unions in England and Scotland.] Now, all we propose is this,
 “ that the tenant farmers of Ireland should enter into a similar undertaking. If
 “ no one shall pay more than the Government valuation for the land, and if he
 “ refuses to take that rent, why give him nothing until he chooses to alter his

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“ mind. Then, with regard to not paying more than a reasonable rent that the
 “ landlord may evict. Well, now, what then becomes of the duty of the Land
 “ League? The duty of the Land League is, first of all, to get the best legal
 “ advice. Then, suppose you are unsuccessful, the next move you take is then
 “ for all parties who are members of the Land League——”

Then, my Lords, that sentence is unfinished, a confusion takes place, a jostling of the policeman, or something occurred, and then Mr. Biggar proceeds to say it was too tedious, and he would not pursue the subject.

There are two speeches which I also wish to refer to, one of Mr. Sexton's, on page 12, on the same day, the 21st October 1880, in which he says this:—

“ First of all, we say that the local branches of the Land League should
 “ consult together in these troublesome times, and agree what rent they will pay
 “ to their landlords. Let them offer this rent, it may be Griffiths' valuation,
 “ offer whatever you can fairly pay. If the landlord will not have it, why you
 “ have no choice but to keep it. Let him, if he wishes, have recourse to law for
 “ his rights, and I can assure you, in every such case, the National Land League
 “ will be ready to give you liberal help from its funds. Well, if the tenant is
 “ turned out, it will be your duty to assist him. Then next you must resolve
 “ that not one of you shall take the farm. I do not care what the law officers of
 “ the Crown may say, that you will not, any of you, take the farm from which
 “ any man has been evicted; and that you will not contribute to the wealth
 “ of that farm by buying any cattle from off it. There is one point upon which
 “ this resolution is silent, and I think it my duty to say that if any man be found
 “ among you to violate the rule which you have laid down, if any man be found
 “ who takes a farm from which another has been evicted, it is your duty, it is
 “ your right, to make evidenced the feeling which the action of that man caused
 “ in your minds. You have no idea. I am sure none of you would commit an
 “ outrage. Outrage hurts our cause. It may gratify the feelings of one man,
 “ but it raises the cry for coercion, and which may perhaps interfere with the
 “ progress of our movement, and do material hurt. Any man who violates the
 “ law which you have laid down, you must leave that man as lonely, in the midst
 “ of a populous town, as Robinson Crusoe was on the island. Remember these
 “ three rules:—First that you will not take a farm from which any one has been
 “ evicted.”

There is no word “justly” or “unjustly” there.

“ Second, that you will not buy the produce of such farm; and third, that
 “ you will not give countenance to any person who takes such a farm. And let
 “ me tell you, if you find in your towns any shopkeeper incurring the favour of
 “ the landlords, the people have a ready way of dealing with these people. There
 “ is no occasion for you to go into his shop and ask him to take down any of his
 “ goods.”

There is also a speech of a like character from Mr. Dillon. May I notice in that speech of Mr. Sexton's that the rent to be ascertained was a one-sided valuation according to the tenant's view. If the landlord did not choose to take it, pay none. Keep your rent. And of course eviction followed.

On August 15th, 1880, at Kildare, Mr. Dillon made this speech. It was one of the young men's speeches I read to your Lordships, in which this advice is given to the tenants:—

“ Third, no arrears of rent shall be levied in Kildare. The country is emerging
 “ out of a grave crisis, and there is no use in a good season if you will not be in
 “ a good position to take advantage of it. If you pay rent and arrears of rent
 “ this year, then the good harvests will go to the landlords. Therefore this year
 “ there shall be no arrears of rent paid.”

That of course, coupled with the appeal to the young men in the speech I have to remind you of, which refers to where they have found out “the dodge of making it too hot for those who take an evicted farm,” tells these people they were to pay no rent, and what is the landlord to do? Of course eviction would follow.

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I want to read one more speech of Mr. Dillon's, because it is a very practical statement of how these evictions were produced. It is at page 489 of the speeches. It is made at Loughrea. I think the date is March 17th, 1881:—

“ Well now, I will quote you an example to show you what is done in this way in my county. Yesterday, in the town of Tipperary, a farmer, who was a rich farmer, a man who could have well paid his rent, but he would not go back on his neighbour and do what his neighbour could not do. Thirty-nine fat bullocks were driven off his farm—and mind, he was a Protestant amongst Catholics—they were driven into the pound in the town of Tipperary. A great crowd of farmers entered. Not a soul, no auctioneer could be got to sell the cattle. That shows how sound the organisation is in Tipperary; and how every man in Tipperary is with the League.”

Here was the case of a man, a rich farmer, who no one says was incapable of paying the rent, and now he is held up as a person whose example is to be followed by gentlemen in the position of Mr. Dillon—that this rich man should not pay his rent because others around him did not wish, or could not pay it; and so when the rich farmer I presume is evicted, then that eviction is pointed to as a cause of crime. What was the landlord to do? It is not said that this Tipperary man was over-rented. There was no rackrent here. Even according to my friend Sir Charles Russell's economic rent, he could pay. He had found his expenses. He had a balance in hand, and could pay. “No,” says Mr. Dillon, “as this man did, you ought to do.”

Another leader, Mr. Timothy Harrington, at page 608, speaks, and we have a report of his speech. It is made at Ballymore, in Kerry, on the 8th of May 1881. He tells his view of what had been occurring:—

“Now I may tell you how I allowed them to work a few days ago in Wexford.”

Allowed them to work.

“I found out how much interest there was in each farm, and I allowed these gentlemen to buy away until it came within one pound of the execution, and I walked up to the sheriff and said to the tenant, ‘Give him the rent.’ Mr. Goddard wanted the fellow to stick to the sale. But I was too sure that the sheriff could not do it, and I made him afraid to do so. If you attend to any of these sales on no account do not pay auctioneer's fees. It is the duty of the sheriff himself to put up these things, and as I told one of them in Meath he was often engaged in dirtier work.”

So here with the tenant looking on, able to pay, Mr. Harrington says he allowed a sale to go on. Mr. Harrington, who is a Kerry man, who had nothing to do with Wexford, says to the tenant, “Now pay,” and these tenants, obeying the Land League, would not pay until they were told to pay. So, of course, again, if Mr. Harrington had not exercised this will, the rent would not have been paid, and the evictions would have to follow.

I had one other reference, but I will not trouble your Lordships with it. These speeches, I think, will be enough.

Now we come to the more general exercise of the stoppage of the payment of rent. Will you be good enough to bear in mind my friend's view that it is almost impossible for any organisation to prevent a tenant paying his rent. The tenant does not wish to abstain from paying it, because he knows the danger of losing his holding; but these leaders were willing that the tenants should lose their holdings, and so the evictions should be created.

Then, in Mr. Sexton's speech at Ennis, on September 26th, 1880, your Lordships will see there is a threat made that no rent may be paid. My Lords at this moment the reference has escaped me, but your Lordships will find, and I will give you the reference that Mr. Sexton says that no rent was “in the air” through 1880.

Now, my Lords, again tracing, as I said just now, the evil genius of the drama, there is another motive power in these transactions. That is Mr. Patrick Ford. At page 5397 we have it stated:—

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“ Mr. Sexton, M.P., one of the secretaries of the Convention, then read two cablegrams, the first from Mr. Patrick Ford, proprietor of the New York ‘ Irish World,’ and the second from the Chicago Land League Mr. Ford forwarded 30,000 francs (1,200*l.*) and abjured the Convention to unfurl the banner of ‘ no rent.’ In the name of 800 American branches, he asked the Irish farmers to hold the harvest if they did not wish to dishearten America.”

The date of that, my Lords, is July 1881. You will see what we are coming to in a minute. That is a statement made at the Convention which was held, as I understand, in Dublin, in which Mr. Sexton, one of the secretaries, read that from Patrick Ford 1,200*l.* subscriptions had been received on the suggestion that no rent should be paid. We have also, my Lords, evidence from the “ Irish World ” a little more forward in date, throwing back its light, at page 4030. This is within the period which your Lordships allowed the “ Irish World ” to go in, so that it is evidence :—

“ Much is said about the policy of No rent. It has been asserted that the ‘ Irish World ’ is responsible for the issuance of the No rent manifesto. There is a double edge to this charge—one edge cuts at the so-called ‘ dictatorship ’ of the ‘ Irish World,’ and the other strikes at the assumed imbecility of the Irish Land League Executive. Curious enough, this cry of ‘ dictatorship ’ raised against the ‘ Irish World ’ has originated with the very selfsame men who here in New York started the cry of ‘ dictator ’ against Mr. Parnell two years ago. It is true that I favoured a No rent campaign, it is true that I cabled over to Mr. Egan, urging him and the Land League to issue a No rent manifesto, but it is not true that I dictated it. That document as it has since appeared had been already in manuscript before my cable reached Paris. Indeed, Mr. Parnell himself, in a letter written to me in July last, stated that he had in contemplation the advisement of ‘ a strike against all rents in the fall.’ Now that the project is an accomplished fact, this ray of light will not be deemed un instructive or irrelevant.”

Of course, my Lords, it is right that I should remind you that Mr. Parnell said that his memory was that he did not write this letter. It is stated here by the “ Irish World ” that he did. He proceeded, immediately afterwards, to say that he believed it to be an untrue statement. However, there we have the “ Irish World’s ” statement of the view they took about the nonpayment of rent.

Then we come to the immediate action about these No rent manifestoes, which must have produced evictions. Again the action is from Patrick Ford. You will recollect the date of Mr. Parnell’s arrest, in October 1881. At page 3382 we have a telegram from Ford to Egan, it is the 17th of October, immediately after the arrest :—

“ Communicate with Mr. Parnell, if possible, consult your colleagues, and then issue a manifesto, No rent.”

Then there is a reply from Egan to Ford on the same page, of the same date :—

“ Your suggestion is approved. Prompt measures are now in progress to procure a general strike against rent. The manifesto will be issued without delay. It is the only weapon now that remains in our hands.”

Now, the result is that three No rent manifestoes are issued. The first—I must give it precedence—was what we call the Kilmainham No rent manifesto, signed by those who were in Kilmainham (as Mr. Parnell says there were many means of communication), and Mr. Davitt’s name affixed to it by a person who, I presume, assumed he had authority so to do. We find the other two are manifestoes issued by Egan and Ford. Egan’s manifesto, which is distributed throughout Ireland, is found at page 4031. It is a strong manifesto, if your Lordship will refer to it. The probable date of that you will find proved at page 3382 as being October 17th. The manifesto speaks for itself. It is addressed to the people of Ireland :—

“ Meet the action of the English Government with a determined passive resistance. The No rent banner has been raised, and it remains with the people now to prove themselves dastards or men.”

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“ PAY NO RENT.

“ *Avoid the Land Court.*

“ Such is the programme now before the country. Adopt it, and it will
 “ lead you to free land and happy homes. Reject it, and slavery and degradation
 “ will be your portion.

“ *Pay no Rent.*

“ The person who does should be visited with the severest sentence of social
 “ ostracism.

“ *Avoid the Land Court.*

“ Cast out the person who enters it as a renegade ”—

(that is the Land Court)—

“ to his country and to the cause of his fellow men.”

Then it proceeds with many reasons :—

“ *No Rent.*

“ Your brethren in America have risen to the crisis, and are ready to supply
 “ you with unlimited funds, provided you maintain your attitude of passive
 “ resistance and

“ PAY NO RENT.

“ *No Rent.*

“ The tenants of Ireland have still one tremendous move in their power, and
 “ that is to *quietly stay at home and pay no rent.* I believe that if they unitedly
 “ adopted a policy of passive resistance, which I do not see how it would be
 “ possible for the landlords to combat, it would lead to one of the greatest
 “ revolutions that Ireland has ever known.”

Now, there is an observation to be made, of course, upon this manifesto. In the first place as to all these manifestoes it is said they were not acted upon for long, and I will show your Lordship why they were not acted upon. Mr. Parnell says this was a very condemnable manifesto. That is what Mr. Parnell says now. But your Lordship will recollect Mr. Parnell himself had signed a manifesto similar in character. I do not know whether he means it was condemnable because Mr. Patrick Egan acted independently, but Mr. Parnell with his great authority signed also a No Rent manifesto intended by him to have the effect of causing all rent, whether just or unjust, not to be paid. I will show your Lordship why it was not acted upon in a very short time. At the end of this Mr. Parnell says it was a very condemnable manifesto, and he does not approve of it. Then we have the third of Patrick Ford, which is proved at page 4033.

“ NO RENT.

“ Parnell.

“ Davitt.

Sexton.

Brennan.

“ Dillon.

Kettle.

Egan.

“ Fly the Land Court! 'Tis a sham, a fraud!

“ He who acts the traitor in the hour of Ireland's trial shall pay the penalty
 “ of his villainy. 'Tis a noble cause you are engaged in—'tis a holy crusade
 “ against a hell-born class—a class who has plundered you and yours for cen-
 “ turies—a class who has grown fat upon the blood of yourselves and your
 “ children—a class who, rotting in lust and covered with human gore, stalk through
 “ the land scattering sickness, sorrow, misery, affliction, hunger, want, and desola-
 “ tion in their loathsome path. 'Tis a war of right against might, of justice and
 “ liberty against tyranny and oppression—of charity, humanity, and Christianity
 “ against selfishness, brutality, and immorality.

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“Stand firm, undaunted, undeterred in your resolve to have the land that gave you birth, and though 60,000 bayonets may bristle round you, and buck-shot rain upon you, God is with you, and you cannot be defeated.

“One more blow and victory is yours.

“Hold the rent, hold the harvest, hold the land, and the new year which is about to dawn upon us shall welcome a nation from bondage released.

“TO THE MEN OF IRELAND.

“Office of the ‘Irish World,’ N. Y.

“Men of Ireland!—The eyes of the world are on you. Stand together.

“Be faithful to your imprisoned chiefs. Obey the manifesto. ‘No Rent.’

“Prepare for sacrifices. Be brave, but prudent.

“Rely on America. Money and sympathy well flow over to you. We will succour the children of the evicted, and honour moral heroes.

“Landlords must go.

“Be true to principle, and redemption is assured.”

Now, again Mr. Parnell immediately says he does not approve of that. “I think it is a most reprehensible production.” He says he never heard of it before. Again the observation is, the principle of it is contained in Mr. Parnell’s own manifesto.

Well now, this did not succeed, but I will now tell your Lordship why the No Rent manifesto did not succeed, or at least did not entirely succeed. It had partial effect. It must have. You will recollect that we have this matter discussed in the American campaign of 1881. At page 2202 we have Mr. Thomas Power O’Connor approving of it. He says, in a speech that he made on the 12th of November, or rather which is reported on the 12th of November:—

“The gentlemen who talk about morality should go to the school for æsthetics, and not deal with practical men. Ireland has preached the doctrine of ‘No Rent’ to bring landlordism to its knees. He told them there was not a responsible man in the League who had not thought of raising the cry of ‘No Rent’ You have given money generously and nobly. I never heard a decent man ask what was done with that money.”

I come now to explain to you how it is this No Rent manifesto against the active exertions of the leaders did not succeed. The Chicago Convention of November 30th, 1881, takes place, and you will recollect the matter was discussed when Mr. Timothy Healy spoke. I think the Chicago Convention approved of the endorsement of the No Rent manifesto. That is comparatively immaterial. What is material is that Mr. Healy tells you how it was that this no rent proposition did not succeed. It is at page 3386, Mr. Healy says:—

“Why was it that we did not believe in the No Rent manifesto? I am in favour of no rent, not merely as a temporary policy, but for all time. But the consideration of our men was this, is it expedient? And we considered that it was not expedient, because we did not believe that our people at that time were worked up to it, and we would adopt no policy which would lead to disaster or defeat.”

For one moment let us see what this means. Here were these tenants, in the ground, with nothing to live upon probably but the interest they had upon the soil. They were, many of them, willing to pay their rent, and then came these agitators scarcely one of whom has the slightest interest in the soil of Ireland. Who were the tenant farmers that were at this time exerting themselves as leaders. I will not go through the list, but with the exception of Mr. Kettle, I think it was, we can scarcely find one. But what were they doing; they were working up the men. These agitators with nothing to lose themselves were working these tenant farmers up on this policy of unsettlement, this war against landlordism, and because these unhappy men would not be worked up and would only travel with the agitators to a certain point, then and then only is the policy of the No Rent manifesto departed from. But if the process of working up according to Mr. Healy had succeeded, and if he could have prevailed upon these tenant farmers, and I will show your Lordship they did their best to

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prevail upon them, to inflict injury upon the landlord by letting the farm become direlect, then there would have been more evictions than we have now, and the reason why your Lordship finds, it may be that evictions are not so numerous as they were comparatively or in fact in 1849 and 1852 is that there had been progress of events. There had been greater light coming to the Irish tenant farmer. There had been the Land Act of 1870. There had been at the latter portion of this time that charter to the tenant of Ireland, the Land Act of 1881; and at last they would not be dragged into action by the men who were striving to work them up, and so they resisted the policy which as I have said so far as it was carried into effect produced eviction, and if the tenants had yielded to it would have produced far greater eviction still. I cannot refrain from reading again, if I may, the words, which I do not think I have read, but have only referred to, of Sir Charles Russell, to show what this working up meant. It is page 3718, where my learned friend, making reference to the No rent manifesto, says:—

“ I do not justify it. I doubt whether Mr. Parnell would justify it; if he did, he would say this, that it was an unconstitutional blow in return for an unconstitutional blow.”

Then my friend proceeds:—

“ But as regards any actual operation in the withholding of the payment of rents, I boldly profess this opinion, that looking to the position of the ordinary Irish tenant, to the fact that he has no resource to look to, but continued occupation of his holding, that I do not believe that any organisation, however strong, or external inducement, however forcibly put, will prevent that man from paying the rent, even the unjust rent which he owes by the terms of his contract, provided he has the means to do it, if the alternative is that he is to lose for himself and his family and his children, the protection of his house and home.”

Now, my Lord, when the Land League leaders were working up the tenants they knew that. They knew what my friend here says (I have no doubt that is correct), they put such pressure upon him as they could by these No rent manifestoes. I have no doubt that they would feel they were appealing to his patriotism, but that did not suffice. So now, as we shall see, there had to be other action in order to deal with this class, who would not be worked up, and who clung to their holdings, as my friend Sir Charles Russell says. My Lord, they produced an agency which is ever powerful, an agency of a peculiar character, and the extent to which this agency is carried, anyone who was in Court at the time my friend the Attorney-General (I am sorry he is not here, I should have re-called his memory to a pleasant scene) cross-examined one of the ladies who conducted this campaign after the suppression of the Land League. I have had it by the way from the President that you regarded the acts of the Ladies' Land League, after the suppression on the 18th October 1881, as certainly being matter of evidence here in consequence of the connexion which has been shown between the Ladies' Land League and the funds provided.

(*The President.*) We entertain no doubt upon that point.

(*Sir H. James.*) I was only reminding you that I am not throwing undue responsibility upon others, because I have direct authority that what took place was evidence, and inasmuch as we have been dealing with the evictions in the year 1882, it becomes very material to show whether the evictions of 1881 were or were not produced by the unjust action, or arbitrary action of the landlords of their evicting power, or whether it was produced by the willing action of the working up process brought to bear by the Land League leaders upon the tenants. Now your Lordship will recollect the events of the autumn of 1881. It was the fact that many of the responsible leaders of the Land League had been arrested under Mr. Forster's Act. Some had gone to America. Only a very few remained. I think Mr. Biggar was at large. I think Mr. Biggar, reducing his love of liberty to personal dimensions, never put himself within the jurisdiction or the operation of Mr. Forster's Act. I do not think he ever gave anybody an opportunity of dealing with him in a manner which I have no doubt he would denounce as an arbitrary exercise of unconstitutional authority, but for the most part it is quite true that the Land League leaders were scattered, and so the Ladies' Land League came into operation. And, my Lord, we have an account—I need not say most eloquently told—given by the lady who took a prominent part in these

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transactions, I mean Mrs. Delahunt, who was known at this time as Miss Reynolds, as to the part the Ladies' Land League took in working up the tenants. I think that is the better term.

Your Lordship will perhaps bear in mind (I am sure my friend the Attorney-General will never forget it) the cross-examination of the lady I term Miss Reynolds by the head of the English bar. That cross-examination occurred at page 6108. This is the description which was put to her.

" Arthur M. Forrester was glad of an opportunity of adding his mite to the well-deserved tribute of praise bestowed upon Mrs. Kenny."

She was Mrs. Kenny at the time she was in America. This was the description. The speaker, Mr. Frank Byrne, said :—

" With Mrs. Kenny's permission I would wish to add my testimony to Mr. Ford's as to the high esteem in which Mrs. Kenny is held by the people of Ireland. In my capacity as secretary of the Land League of Great Britain, I naturally became familiar with many facts concerning the noble work being done by the Ladies' Land League, and I found that on every occasion where the practical portion of the work was to be done, Miss Reynolds was to be found in the forefront.

" Captain O'Meagher Condon said that he highly and warmly appreciated the generous and devoted efforts made by Mrs. Kenny to alleviate the sufferings caused by landlord evictions in Ireland.

" Arthur M. Forrester was glad of an opportunity of adding his mite to the well-deserved tribute of praise bestowed upon Mrs. Kenny. From village to village, from cabin to cabin, she rode ahead of the flying column of peelers and dragoons, cheering the despondent, warning the wavering, threatening the cowardly."

Now, my Lord, we saw that lady in the box, and she is asked what this was, and the Attorney-General pressed the lady home as to what she did when she warned the wavering, and when she threatened the cowardly. Then, my Lord, of course the result that we find, will be from her own acknowledgment, that she was dealing with those unfortunate tenants who were willing to pay their rent. The account proceeds. This was put to Miss Reynolds. It was said in your presence and she does not seem to doubt it :—

" There was no time for Miss Reynolds to lose. It was necessary that the inmates of the next cabin they proposed to visit should be forewarned, should be told that they would be aided in their struggle against landlordism, and sternly instructed that it was their duty to pay no rent. So over a fence, across a ditch, through dirty, muddy, ploughed fields, scrambling through hedges, and wading through bogs, went Miss Reynolds, and when the horse and foot arrived at their destination, they found to their sorrow that she had been before them, and that their forced march was all for nothing.

" Q. Does that substantially represent what was said?—A. I think so.

" Q. It does represent, does it not, a fair description of what was said?—

" A. Pretty fair.

" Q. Of the work you were engaged in?—A. Pretty fair.

" Q. Now, let us just go back to this: 'Threatening the cowardly.' Did you not on many occasions in the autumn of 1881 and 1882 threaten persons who had expressed their intention to pay their rent?—A. I do not really believe I did. On my own account I may have told them they should not have paid rent under these circumstances."

Well, but Miss Reynolds was, as was described here, acting for the Land League. She was the flying column.

" Q. I call your attention to what you said you did upon your own account? —" A. I never had orders."

She was acting prominently on her own idea of what was right.

" That is one thing certain.

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“ Q. I will come to the question of orders directly. ‘Threatening the cowardly.’ What did you understand by the ‘cowardly’?—A. By the cowardly, those who would not stand by their fellow countrymen, I suppose.

“ Q. Those who having money to pay, paid?—A. Would not stand by their poorer neighbours, I suppose that is.

“ Q. That is to say, the people who having got the money to pay their rent were willing to pay?—A. Some were and some were not.

“ Q. Those you understood by the cowardly?—A. Quite possible.

“ Q. When Mr. Forrester suggested of you that laudable act, for which you had been well deserving of the tribute of praise, ‘of cheering the despondent, warning the wavering, threatening the cowardly,’ tell me what you understood by it?—A. I did not pay much attention. I was used to that sort of big talk. It was merely a rhetorical flourish. I did not mind that.

“ Q. ‘It was necessary that the inmates of the next cabin, they proposed to visit should be forewarned, should be told that they would be aided in their struggle against landlordism; and sternly instructed that it was their duty to pay no rent.’”

“ Well,” said the lady, “ I fancy I did not do it sternly.” Well, I will take out the word “sternly,” and accept Miss Reynolds’ view of her own action; but that lady did warn them not to pay rent, and I am sure the Attorney-General will recognise a warning by that lady as a serious thing. She warned them not to pay their rent. She was the representative of the Land League. We may look upon these matters lightly; but this was the serious position she occupied. She was the representative of the Land League warning the people who had the money to pay, who were willing to pay, who were not alleging their rent was unjust. She was telling them “ I warn you not to pay;” and, my Lord, what was the meaning of this warning from this head and source then of authority—the Ladies’ Land League—but that they would meet the fate of traitors if those who could pay, and who were willing to pay, did pay. Are you astonished when the landlord, who is not charged with having demanded an unjust rent with respect to some of these people, at any rate, knows that the tenant can pay, knows that he wishes to pay, knows that it is the external influence that bids him not to pay, and warns the wavering, and threatens the cowardly, that that landlord should say, “ Well, why should not I have my rent?” and it may be there were more evictions taking place at that time against the tenants who were secretly coming and paying their rents and begging it should not be known, and who were willing to be evicted when they came back as caretakers—my Lord, now from such causes we can understand how it is that that column of evictions becomes a great one. My Lord, I do not dwell more upon Miss Reynolds’ acts. Even if it were necessary, in respect to Miss Reynolds, I might call attention to what Mr. Egan says. Mr. Egan says this at page 2586. He is speaking in America at this time.

“ One great result of the Land League movement Mr. Brennan has not referred to. It brought to the front a band of women as generous and noble-hearted as ever in any country espoused the sacred cause of freedom. I refer to the Ladies’ Land League, under Miss Anna Parnell. You, here in America, can have very little idea of the splendid work accomplished by these noble-hearted women. While Mrs. Maloney, the treasurer of the Ladies’ Land League, and her companions at head-quarters would work 14 or 15 hours a day in their office, Miss Parnell, Mrs. Moore, and Miss Reynolds, and other members of that devoted band might be found journeying from county to county, over bogs and mountains, in all weathers and at all hours of the day and night, bringing aid and comfort and hope and courage to the outcast victims of landlordism. History presents no brighter record of patriotism and courage than that displayed by Miss Parnell and her brave co-workers of the Ladies’ Land League.”

Your Lordships are aware that I have admitted in relation to the No-rent manifestoes that they, after a time, died away, but they died away very gradually. They were scattered comparatively late. You will recollect that we have important proof as to the action of one of the Mr. Redmonds. I think it is Mr. William Redmond who disseminated the No rent manifesto very broadly. The evidence is at page 3408. It

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is the evidence given by an Inspector of Police who says he found that in January 1882, the No Rent manifestoes were being scattered. He also recollects a gentleman coming to Sheehan's Hotel at Thomastown in the county of Kilkenny under the name of Mondred. There is no question that I know of that this was Mr. Redmond. The witness says so; there is no contradiction; and the name, of course, suggests something of the kind. To him came addressed a parcel on the 19th January. It was opened, and there were 450 copies of the No Rent manifesto in it. Mr. Redmond, I presume, I do not wish to suggest it if it is not correct, was going through the process of which Mr. Healy spoke: He was working up the people. Miss Reynolds was at work at this time warning the wavering and threatening the cowardly. Mr. Redmond was appealing to them by means of these documents, signed, as I understand this manifesto to be signed, by Mr. Parnell, and so, whilst Mr. Parnell is, no doubt, in Kilmainham under the operation of Mr. Forster's Act, still he had signed the document, and, of course, all his lieutenants would think it was his wish it should be disseminated, and so it was; and here we have this appeal to tenants simply to place themselves in the position of liability to eviction at the request of Mr. Parnell, and that request conveyed as far as it could be conveyed on the authority of Mr. Redmond. Well, my Lord, I am not going back again to the influence of Miss Reynolds; but we can scarcely wonder at the tenants taking up a position even if the inducement to be subjected to eviction stopped at the point I am mentioning. But here are appeals to them, appeals these happy men must have thought were appeals to patriotism, to break the contract they had made, not to pay the rent they would pay; simply, as I have pointed out to your Lordship, because it was part of the policy of the gentlemen who were acting for political reasons.

Now, my Lord, I come on this very point to a class of document that I say has probably much more effect than even these appeals. They were the documents, my Lord, that made return and recompense to certain tenants. The documents require to be looked at carefully, and when they are looked at, and their effect considered, I must ask you to consider whether these documents are not of the most cruel description, and intended not only to recompense, but to apply pressure upon those who were acting according to their conscience or their interest, that is paying their rent, the acts of the Ladies' Land League, of course, are admissible in evidence. But they were the responsible representatives of the Land League. They were (and it is in relation to this fact that I am now dealing particularly with their action) the avowed disseminators of Land League money. Speaking very generally Mr. Egan, the treasurer of the Land League placed 70,000*l.* at the disposal of those ladies, at least. The technical suppression of the Land League is nothing. Those who were the Land League authorise the action of these ladies. Their treasurer, Mr. Egan, without objection by anyone, or after complaint by anyone, paid them this money for the express purpose of dealing with the interests of the Land League, and of the Land League policy. Mr. Parnell knew they were so acting. Mr. Parnell, when he is at large in May 1882, has nothing to say about their acting. Except then, from his being at large, the action reverted to a more natural channel, but this, to which I am going to call your attention, is a dealing with the Land League money, by the authorised agents for that purpose of the Land League. My Lords, we have to deal with three documents set out at page 1446. It seems that on the 25th October 1881, Mr. Egan, signing himself as honorary treasurer of the Irish National Land League, addresses the secretary of a Land League branch. Probably this was in the nature of a circular; it is addressed to the secretary, Land League branch, and headed Irish National Land League. It is put in at page 1446, signed by Patrick Egan.

"If there are any sheriffs or other law costs guaranteed by central executive to members of your branch which still remain unpaid, please send particulars of them with the letter from the Dublin offices guaranteeing the same to Mr. P. C. McGough, solicitor, Ormond Quay, Dublin, when they will be paid as soon as the accounts can be examined and vouched.

"Inquiry having reached me as to the disposition of any funds lying in the hands of the local treasurers, I am authorised to say that as the Ladies' Land League have undertaken the sole charge of evicted families, it is desirable that any sums in hand locally should be forwarded at once to Miss Anna Parnell, Ladies' Land League, Sackville Street, Dublin, for special purposes of relief.

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“ With regard to the general movement, prompt and efficient steps are being
 “ taken in view of the altered circumstances to carry on the organisation and
 “ sustain the strike against rents.”

That circular is the foundation of the correspondence I am now about to read. On the next page there is a letter. It is wrongly printed. It is really a letter from Henry O'Mahoney. It is printed O'Malley, but it is Henry O'Mahoney. It appears so from the text. He wrote to Miss Parnell this letter—

“ DEAR MADAM,

“ Ballydehob, 18 Nov. 1881.

“ THERE is about 39*l.* in the hands of the treasurers here, and a few
 “ members of the committee are in favour of retaining the money in consequence
 “ of the last circular from the executive, stating where a tenant in any one
 “ property paid his rent or applied to the Land Commissioners that none of the
 “ other of those on the same property who submitted to be sold out by and
 “ evicted would be paid their legal expenses. My object is to show these poor
 “ people who allowed heavy law costs to be incurred that they will be paid their
 “ legal expenses where the executive guaranteed it, and also to forward up the
 “ balance of about 39*l.* which is in the hands of the treasurer. If I can have a
 “ letter from you to that effect, it will restore confidence in the people, and under
 “ such circumstances, I am sure, we could be pretty successful in holding
 “ back people, and start a prisoners' fund, or contributing to the Ladies'
 “ League.”

I think it is better I should not put any construction on the words “ holding back.” They are words of doubtful use and may be used in many senses, but there are the words which speak for themselves. Then comes this letter from Miss Stritch, addressed to O'Mahony :—

“ DEAR SIR,

“ WE have not seen the circular which says that, ‘ On a property where a
 “ ‘ tenant paid his rent, or applied to the Land Commission, no other tenant who
 “ ‘ submitted to be sold out or evicted would be paid their legal costs.’ ”

If the circular referred to was Mr. Egan's it certainly did not bear the construction Mr. O'Mahony put upon it. It would not be right to say it did.

“ Miss Parnell would like you to send a copy of it as it may be a bogus
 “ circular. It is not correct either to say the above, that where one tenant on an
 “ estate applied to the court or pays the rest will get no assistance. All who
 “ really hold out, if it were only one tenant amongst a thousand others, would be
 “ supported ; but if the majority of the tenants on an estate pay or apply to the
 “ court, then those tenants who might be evicted on that estate from inability to
 “ pay would not be supported.”

I ask your Lordship to mark this.

“ But if the majority of the tenants on an estate pay or apply to the court
 “ then those tenants who might be evicted on that estate from inability to pay
 “ would not be supported.

“ On the other hand, if the majority of the tenants on an estate hold out, then
 “ those evicted, although they might not be able to pay, would be supported. In
 “ all cases where guaranteed law costs will be paid.”

Your Lordship will see the effect of the proposition. If the majority of the tenants on the estate pay or apply to the court then those tenants who might be evicted from inability will not be supported. On the other hand, if the majority of the tenants on an estate hold out then those evicted will be supported. And so your Lordship sees this, the support has nothing whatever to do with the real suffering man who is paid if he is evicted, but according to this as I read it, it was a cool calculation. What will the majority of the tenants do. It is immaterial as to inability or ability to pay, and immaterial as to the justice or injustice of the rent that is charged, but the whole thing is, “ tell the tenants, as a whole, if the majority hold out, those who are evicted shall be paid, and if the majority do not hold out they shall not be paid.” What did

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that mean. It meant the pressure, and we now know what the pressure was. It meant the pressure on the majority who could pay and were willing to pay to compel them to hold out, that is not to pay, and to compel them to hold out to the extent of being evicted when payment was made to them, and it was an eviction that was brought upon them by this circular, sent and disseminated to the different tenants. If you can make the majority hold out and not pay you will be supported; if you give way or cannot make the majority hold out, although you deserve it, you shall not be supported. Was there ever such an enlistment of a force called into existence by virtue of self interest, by virtue of that main spring of human action, the selfishness of man? Was there ever such a weapon: the weapon of the moonlighter, the weapon that represents pressure; the weapon that would bring these men who would be honest in their dealing, and who, as my learned friend Sir Charles Russel said, clung to their holdings; I say has there ever been a weapon employed in a more cruel way against all that was honest and all that was right than this document which was acted upon and which was a document issued upon authority, and is of none the less weight because it was signed by the lady whose name appears at the bottom of it.

I have documents which appear to me, either by way of advance or following, I think rather by anticipation, to have been carrying out this policy which Miss Stritch was laying down. The few documents to which I wish to refer in that respect were the documents we have called, the Phillips' documents. They were put in evidence by Mr. Soames at page 2868. They represent the proceedings of a very very short time of the Land League, but they are the proceedings immediately before the date of the letter of Miss Stritch, the date being October 1881. There is first, a document signed by a reverend gentleman who signs himself a Catholic curate, John R. Clare, from Tipperary, addressed to Dorris, the secretary. He says:—

“ I now forward form filled up, and hope I will not again trouble you, as I am determined after this that no member of the branch here shall expect any cost for any law purposes. But as the League promised to defray all costs in this case, though unfortunately the letter promising such is lost, I am particularly anxious to have this matter settled. In truth, these are terrible times, but will soon bring a happy issue to long-struggling Ireland. We are to have the sheriff here to-morrow evicting for Mr. Dowling, Rathgar. I believe five families who are prepared not to be returned even as caretakers.”

Your Lordship knows that the happy condition of things, at least the mitigation of those sad events following eviction which I fully realise. Amongst them was the power of a man going back as a caretaker, and of course it does mitigate very much the eviction. What is represented here is that certain tenants must have been so dealt with that they are prepared—they are so held up as meritorious—not to go back as caretakers. That is, that thereby they inflict on the landlord the wound that the farm remains vacant and without a tenant:—

“ To-day over 300 men are digging out and carrying off all the potatoes belonging to these families, even under the eyes of the emergency men and police, who are holding possession of a fine house, from which a family named Ryan was evicted by the same Mr. Dowling a month hence. On yesterday, at a preliminary meeting in Thurles, where P., with two delegates from the branch were, we unanimously resolved that at the county convention to be held in Thurles next Thursday, a resolution should be adopted of paying no rent as long as our chief and his noble colleagues shall be kept in prison.”

On the next page there is a very significant letter, dated October the 20th, addressed also to Mr. Dorris, who was acting representative, I think, of the League at that time. It is written from county Mayo. It mentions certain proceedings:—

KYLE v. BRENNAN and MURTAGH.

“ DEAR SIR,—I handed you the writs on the above case when up at the convention, and the tenants were guided by your advice on the matter. You told me the League would buy in the cattle or crops for the tenants if seized, but that the land should be let go to the landlord. Now, I have to inform you that

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“ Brennan’s cow and donkey was seized on yesterday under said writs, and are
 “ now in the pound, and will be sold at Kiltimagh in a few days’ time, and I trust
 “ you will be so good as to keep the promise you have made in giving the aid we
 “ require for these tenants. I will be anxiously awaiting your reply on Saturday
 “ morning, and trust you will not fail in giving the necessary aid.”

Will your Lordship note these words—

“ All the tenants require is the costs attending the suit, as it is with these
 “ conditions they allowed proceedings to go on.”

What can we gather from that? It was not that the proceedings went on against them unwillingly. They allowed them to go on. They became the willing sacrifice, but upon the terms that they would allow the proceedings to go on to their own eviction if these costs were to be paid. The influence of the League is seen again on the next page, 2870, and this is a document which leaves no doubt about the matter. It is a letter of October 21st, written by the secretary to the Rathmore branch:—

“ DEAR SIR,

“ I AM requested by the committee of the Rathmore branch of the Irish
 “ National Land League to apply to the Central League for a council to defend
 “ the case at New Ross quarter session on behalf of the men served with the
 “ accompanying ejectment which were served on them this day by the landlord
 “ himself, and 150 of the constabulary to protect him. The tenant defeated him
 “ on one occasion, and will try him again. The landlord, Mr. Richards, of
 “ Grange, one of the greatest Gladstonians in the county of Wexford, and most
 “ tyrannical landlords, bringing this force of police through a peaceful country
 “ where there is not a shadow of necessity for one of them. Breen’s men are
 “ determined good leaguers and able to pay their rent at any time, but will allow
 “ themselves to be put out sooner than surrender. I await your reply as soon as
 “ convenient.”

Now, we have here apparently the standard of a good Land Leaguer. It is a man who held his holdings on such conditions as between himself and his landlord that he was able to pay his rent at any time but did not do it in order that he might be a good Land Leaguer. Again this process is carried out. What becomes now of these evictions producing crime. Was this good Land Leaguer, who, able to pay his rent, evicted, because he was a good Land Leaguer and did not pay the rent he could pay, driven by the fear of eviction to commit crime? What fear had he of eviction. He had the hope of eviction because thereby if evicted he would prove how good a Land Leaguer he was. But, my Lord, is it possible to be surprised when we trace, step by step, the process how these men were worked up towards unsettlement, how they were appealed to, if cowardly, or if wavering, by threats, appealed to as regards their own self interest when that was concerned so powerfully appealed to under the false and changed name of patriotism thus dishonestly to act.

My Lord, cannot we now understand how it was that there was no real fear of eviction, but that the same spirit which caused this position to be occupied, caused the crime we have to deal with to be committed without any reference to eviction.

There is still another document I wish to quote. It is at page 2871, and there is another one at page 2870, dated 22nd October 1881, and addressed to the Land League, from the Secretary of the Branch Land League in Ballydehob.

“ Gentlemen,—Whereas, the legal costs in the case of the Lenicon Estate tenants William James, John and Edward Rayencroft, together with Thomas Aldridge, is still unsettled or not considered by you. ’Tis hard for us here in Ballydehob to stand the attacks of those parties who allowed themselves to be sold out on consideration of being paid their costs, while those matters are franked elsewhere, there has been a circular form filled up and sent up to you, relative to those cases which the hon. member Mr. C. S. Parnell said that they had every right to be paid up under the circumstances of how those men held out so staunch to the cause.”

Again, my Lord, at page 2871, there is a letter of 24th October, again by a Branch Secretary.

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SIR HENRY JAMES.

[Continued.]

“I have to inform you that our committee have been disappointed at the construction put upon the case of Cosgrove by your executive. The facts of the matter show plainly that the case is one of landlord and tenant. Cosgrove would have made a settlement with his landlord were it not that he relied on the promises of the League.”

My Lord, is not there something to say for this much reviled class of the landlord, when they were so acting, that they were willing to come to settlements with their tenants, but the action of the Land League, the promises of the Land League, bring the tenants away from making any settlement. Then it is that whilst here in England we have landlords and tenants making arrangements, we are asked why is it in Ireland these arrangements are not being made. The answer is that while the tenant and landlord were willing as in any other country to make arrangements, this system of warring against the landlord never allowed the tenant and landlord to meet together and come to terms of arrangement, and make peace one with another.

My Lord, only one more I am glad to say I will read. It is at page 2873. It has reference to the case I mentioned before, the Coyle tenants. It is spelt Kyle in one letter and Coyle in the other. It is Woodfield, *County Mayo*. It is from the same person whose letter I read from page 2869. He writes at page 2873 as follows:—

“Enclosed please find receipt for the 5*l.* sent me in the cases of Coyle v. Tenants. I regret you did not send me the 10*l.* as requested, as the tenants are not near satisfied when all the cost is not paid as is promised to do. Of course you must be aware that there is nothing to keep the spirit of the people up at present better than dealing with cases now pending. These two cases are the only pressing ones in our branch, and I hope you will not leave us helpless for the sake of 5*l.* more. However, I have only to say that all I can do will be done, to have things raised to their former state.

“Please, if possible, let me have other 5*l.* and all the spare cost will be returned to the funds.”

Then upon this branch of the question of evictions, I have only one more matter to call your Lordship's attention to, and that is the evidence of one or two witnesses who told your Lordships the effect of this system. At page 1967, Mr. Tyrell says:—

“Several tenants told me from time to time that they had been promised if they held out against payment of rent, that their law costs would be paid by the League.”

Mr. O'Donnell, at page 1993, says:—

“The tenants had heard of the Land League and they commenced to resist to pay.”

Mr. Lambert, at page 518, says: “I evicted a man named Corbet. He refused to pay anything, and the whole village would not have paid anything if I had not evicted him.”

Then there is a witness at page 971, who writes to Mr. Leonard. This is the man Moynihan. He writes to Mr. Leonard 12th January 1882:

“I earnestly entreat you will not tell anybody of my having paid any rent, as it is a sentence of death.”

Now, my Lord, is not this bringing light upon this very matter. Simply a man pays his rent, read by the light of the cowardly being threatened, the wavering warned “sentence of death if you pay, and pay rent to a man who you would pay.” I will give another case. It is the evidence of Mr. Maurice Leonard at page 981. It is in the same neighbourhood. It is under Mr. Leonard's jurisdiction on the Kenmare estate. It is an account of a speech made by Father O'Connor, to whom I shall have to refer hereafter as a contrast to Father O'Donovan, who was, you recollect, the priest whose conduct we had to deal with in relation to the Curtin's case. This is the way in which this matter is dealt with according to Mr. Leonard's evidence. Father O'Connor said:—

“They now knew what to do in the future. The people would stand together like brothers, and when one was attacked, they should all come to assist him.

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SIR HENRY JAMES.

[Continued.]

“ Let them stand together, because their cause was a just one, and they were only trying to resist oppression and injustice, and that resistance they all knew very well was forced upon them by the inhuman conduct of those who had the power to harass and ruin and destroy the people of the country.

“ *A voice.* Down with Hussey.

“ *Father O'Connor.* If any tenant went behind his neighbours back and paid his rent, he was a traitor and a coward, and should be cast out from among them.

“ *A voice.* Shoot him. (No, no.)

“ *Father O'Connor.* Don't, but put what we call a 'brassil' upon him, and he will be known and execrated all over the country.”

The question was put to the witness—

“ What is a 'brassil'?—*A.* A red mark.”

Now, my Lord, this is from a priest, with his enormous influence over the people. Speaking of tenants, whether they could pay their rent was immaterial. If one went behind the back of his neighbour and did it, this red mark was to be put upon him. I ought to refer I think to Father O'Connor's cross-examination upon that point. It is at page 5287. He is asked about these words—

“ Did you say this at a meeting of the League on the 7th November 1885, If any tenant went behind his neighbours back and paid his rent he was a traitor and a coward?—*A.* I did not say that at the League.”

My Lord, this is one of the instances in which it struck one as we heard some of these clergymen examined, that their apprehension of the meaning of words (sometimes perhaps one was wrong) went a little beyond ones judgment of frankness. So the answer comes—

“ I did not say that at the League.

“ *Q.* 'And should he cast out from amongst them.' Did somebody say 'shoot him.' And did you then say 'Don't, but put a brassil on him'?—*A.* Yes.”

This is Father O'Connor's own account:—

“ Then your Lordship, the President, asked:—

“ *Q.* What is that? (*Mr. Atkinson.*) And he would be known and execrated all over the country. What is a brassil?—*A.* I never used those words, that he would be known and execrated,

“ (*The President.*) *Q.* What is a brassil?—*A.* When farmers go to a fair to buy cattle or sheep they carry a bit of reddle, or something with them; and for fear the sheep might go astray, they put a mark on the sheep, in order that they might not go astray.

“ *Q.* It means to put a mark upon them?—*A.* Yes; but the mark was a mark of reprobation—of disapproval, and nothing else.

“ (*Mr. Atkinson.*) *Q.* I understand you?—*A.* If you will allow me to give you a full and frank explanation of the whole thing. I will do so for the information of the Court.

“ *Q.* I am merely asking you, what do you mean by putting a mark?—*A.* Putting a mark of disapproval was a metaphorical term. It was a mere metaphor. It was not literally true.

“ *Q.* Then he was to be a marked man, although not physically marked?—*A.* No; but there should be a mark of disapprobation put upon him.

“ *Q.* So that people should know him in the community?—*A.* Yes; and I knew they would do that whether I said so or not, that they would disapprove of him.

“ *Q.* And did you say the words, That he would be known?—*A.* I did not. Whoever put that, put it as a change from what I said.”

I did not suppose anyone ever thought the reverend gentleman thought this man was to have a red mark put upon his back. What it meant was he was to be focussed and held up to execration as a traitor for having paid his rent because others did not pay it, irrespective of the question whether he could or could not pay that himself. My

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SIR HENRY JAMES.

[Continued.]

Lords, I have witness after witness dealing with this matter in the same way. I will give them to you as shortly as possible. There is one woman who tells her own tale, Mrs. Sadleir, at page 1907. She wrote a letter to Mr. Digby, and the letter was produced. This woman says to Mr. Digby (as I say she tells her tale in that letter,—

“ I really dare not pay any rent until the present agitation has calmed down.
 “ I feel very sorry that there should be any unpleasantness in the barony, as I
 “ always imagined the people were quiet and peaceably inclined, and I am told
 “ that neither my life nor property would be safe if I persisted as inclination
 “ would prompt. Believe me, Yours sincerely, Anne Sadlier. I dare not even
 “ send this by my own post.

Of course if Father O'Connor's advice was followed, she would have a mark put upon her if she did. There [is a letter from Mr. Cotton on the 3rd December, which says:—

“ I never was more willing than at present, but for the threats held out to
 “ any man that would pay until he gets Griffith's valuation, that he would be
 “ ‘boycotted.’”

Then, my Lord, on the next page, Mr. Digby says at the end of 1881, in five out of seven cases, evictions were actually carried out. They remained out about six months. They then came in and paid the full rent demanded and costs, and were re-instated. One more letter I should like to read. It is a letter from a man written to Mr. Hewson at page 1916. It is a letter of January 1886. Michael Canny writes to him,—

“ I am sorry that I am among those to be evicted, as I never intended to give
 “ you or the Major any trouble in the way of reduction, but to pay when I could,
 “ and when I give up the lands. Dear sir, if possible, do not put me on the road
 “ till the last, as I am satisfied to settle the decree only through dread. I would
 “ settle it before I was evicted in Kilduff. I mean to give no trouble if I can,
 “ and I hope, in March, to be able to send you the other half year's rent. So
 “ you may have confidence in me. If it was known by my neighbours that I
 “ even wrote to you, I may meet a sudden death.”

And on this point only will you allow me to read this:—

“ He,
 (that is Canny)

“ told me that he would have to give up this farm as the League would not let
 “ him hold it; I correct that statement, I do not know that he said the League,
 “ but the country.

“ Q. Were some of these tenants evicted?—A. Yes.

“ Q. About what time?—I evicted about 26 of them early in the year 1882.

“ Q. Were some of those from whom you received letters evicted?—Yes.

“ Q. They did not pay, I presume?—A. They did not.

“ Q. Do you know, of your own knowledge, where did they go to reside
 “ when they were evicted?—A. They went to reside in the Land League huts.

“ Q. Where, near the farms?—A. Yes.

“ Q. Do you know how they were supported?—A. They got money from
 “ the board of guardians.”

Then it so happens at this very point your Lordship made the observation that you thought sufficient evidence had been given upon that point, so I will not read any more of it if you will allow me.

[Adjourned till to-morrow at 10.30,]

"Transatlantic" quoted about Loughrea.

(Not true that J.W. was scattered about by L. League in June '81.)

Sept. 1885. Speech of Harris at Loughrea.

(James bathes very unfair to Harris in his comments on this speech)

Speeches 731. A. O'Connor speech Sept. 10. '85 Loughrea

Appl. speeches:-

Evidence of James Mannion on ^{Lydson} ~~Heathly~~ murders

(Mannion suspected of being actual murderer)

(James argues low on some value evidence of an accomplice)

: - The President intervenes in discussion to support James contention.

632 Lydson murder 24. April '81

* League est. Nov. '80

* Harris speech '80

Horrible story. Read by James from the evidence.

726. Mannion. Evidence begins.

Joined League Nov. '80

" J.B. after this.

742. Evidence Peter Flaherty - Scoundrel I & Co.

2833. Heane's evidence.

4289* J. O'Connell's evidence* for Defence.

4291 " " " money collected &c.

4294 " " " " " "

4295. Collectors names near bottom page

6 middle page Patrick Ruane's status

3769 Russell on this Evidence:

James's deductions very flimsy.

(James now coming to what I said of the Widow Walsh & her son)

Where does the \$37,000 come from

5706 Davitt Evidence.

Trial Aug '82

Out of prison. In America until end of Aug. '82

James moralises on this in his usual way.

Person charged "morally" responsible for crimes which follow speeches &c.

3936. Parnell Subscription to this fund.

James "passes away" from these "disagreeable" themes. So he says.

Takes a trip to America again.

Comes to London int. with Parnell.

2487 Letter John Devoy Nov. '80

6399 Buffalo Convention

Rev. L. Walsh letter. Page 19 Reports conventions read from

2504 Circular March 1

2505 top page quoted from.

on this Convention (H.B. Beach)
Devoy ^{probably} author of this circular. But would not do mention this without free proof

This Circular absolutely refutes the allegation of "Union" by the Times.

(* James said of the Law League was ever really established there")
See if this is included in Report.

Records of this Convention.

See similarity of language put in Sullivan's mouth by L. Carson with language "Devoy's" letter.

2552. L. Carson on John O'Connor alias "Kennedy".

... 3. Devoy coinciding with Sullivan

3822 Russell's argument on this Convention

2634. Egan's letter to Le. Carson - "My dear friend - Warm supporter of Cause" etc.
Chicago Secret Convention Aug. '81

2488... Conversation Devoy & Sullivan (with Le. Carson)
(Devoy using war, cold-blooded murder, rebellion etc.)

(President's observations here very fair.)

2545. Circular of Beach's on this Convention.

Beach's assertion that a dynamite campaign was to be begun

2547. Envoy from S.C. present -

See resolutions - leaving to individual U.B. men right to individual action re "open" movement.

2552 - Beach on O'Connor (John)
2554. { Another Circular } also saw Gallagher & Thomas.
{ Ep. 1. '81 }

... Bottom page - "active measures". 14,000 members & 8,000,000 (A.B.)

2557 - Circular continued,

(Wherefore the references to Parliamentary action? in discussing the plan set forth in this U.B. Circular.)

3939. United Ireland's account of this Convention.

* This account gives different aspect to this Convention *

2745. Le Carons report to his Camp Braidam

5245. Irish World. Patrick Egan's views.

James J. Davitt

M. Davitt

6809

"Uncorrected Proof."

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT, No. 1,
Wednesday, 13th November 1889.

(*The Attorney-General.*) My Lords, before Sir Henry James resumes, I wish to mention again a matter which was mentioned last Wednesday afternoon, with respect to the existence of this other bank account. Your Lordships will remember—I have been looking at the shorthand note to refresh my memory—that there was an inquiry proceeding before Mr. Cunynghame, which led to the production of a number of accounts, from which valuable information has been obtained. It appears from Mr. Biggar—I am sorry he is not here at this moment—that there was a National Bank account, which has not been seen, opened in 1885, which preceded the account which came to Charing Cross. I would ask your Lordships to direct, if you think fit, that the official of the National Bank should attend before Mr. Cunynghame to-morrow morning, that we may get information as to this account. We are entitled under the order to produce it, and what I submit, in the face of that statement which has now been made as to the existence of this account—made by Sir Henry James—volunteered by Mr. Biggar, though qualified somewhat afterwards, that it would be right that the matter should be followed up.

(*The President.*) If you insist on it—of course you are entitled under the existing order to have it.

(*The Attorney-General.*) Yes, my Lord. I thought if you would allow Mr. Cunynghame to give notice to the manager to attend to-morrow morning. If you prefer it should be in Court it would answer my purpose equally well.

(*Mr. Davitt.*) I think, if the Attorney-General will permit me, the account referred to was stated to be a purely Parliamentary account.

(*The Attorney-General.*) The other was stated to be a purely Parliamentary account.

(*The President.*) It has been agreed that they are purely Parliamentary accounts. You do not wish to look into it, I suppose, with the knowledge of that. Still, Mr. Biggar says there is an account which has not been produced.

(*The Attorney-General.*) Yes.

(*The President.*) Well, the officer of the bank had better be required to attend, and then of course we could deal with it when he is here.

(*The Attorney-General.*) To-morrow morning, at half-past 10. We could communicate with him early to-day, in case the time should not be convenient.

(*The President.*) Yes.

(*Sir H. James.*) My Lords, I was still dealing with the question of evictions; how far they were of a natural character resulting from the action of the landlords; and how far they were intentionally produced by the action of the Land League. There is, my Lords, a trace of this policy being intended to be relied upon in the evidence that Farrigher, who afterwards became a clerk in the Land League offices, gave to your Lordships. That evidence you will find at page 2022. The date, my Lord, I quite admit is uncertain. The witness was uncertain as to the date all through, but it must have been a very early communication that he received; and it was a communication, as he put it, from Mr. Davitt, in conjunction with Mr. John W. Walsh, of Balla. The result of his evidence is that he was requested, or it was suggested to him by Mr. Davitt and Mr. Walsh, that he should refuse to pay his rent, and that he did so. At question 38,032 he was asked:—

“(Q.) Did you after, then, refuse to pay your rent? (A.) I did. (Q.) Had you the means of paying it? (A.) I had. (Q.) And in consequence of that refusal were you evicted? (A.) I was.”

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SIR HENRY JAMES.

[Continued.]

It is but right, my Lords, that I should call attention to Mr. Davitt's evidence upon the point, which was given at page 5585. This is Mr. Davitt's contradiction. It is only a partial contradiction, if any. He says this in answer to Question 86,695 :—

“ I have no recollection of ever having exchanged a single word with the man Farrigher ; I may have done, but I do not remember ever telling him or any single tenant farmer not to pay his rent. I occasionally told the whole of the tenant farmers not to pay except under certain conditions.”

Well, my Lords, there is the evidence of Farrigher, on the one hand, that he was so told at a period, I should suggest, would be as early as the end of the year 1879, or certainly early in 1880. Mr. Davitt, speaking with becoming caution, says that he does not recollect having said so, but he may have done so. It is not important. Therefore, my Lords, it is likely that occurred, and the only reason that I refer to it is to show that there were indications of pressure being put upon tenants not to pay the rent when they had the means of paying, it was not a matter incautiously affected—not a policy pursued by the way, but it was, I submit to you, the necessary policy of those who were endeavouring not to relieve the distress of the tenants, but were endeavouring to strike a deadly blow against landlordism, so as to destroy it.

Now, there is other proof of this to which I will very shortly refer, at page 2271. “ United Ireland ” published under the date, I think, of the 15th October 1881, a statement given under the heading “ The Spirit of the Country.” Your Lordships will find that we have, in a manner that I will explain to you in a very short time—that we have three heads, “ The Incidents of the Campaign,” “ The Campaign,” and between the two comes “ The Spirit of the Country.” I think it only occurs in two numbers of “ United Ireland.” In one of these two numbers “ The Spirit of the Country ” was the heading of some incidents I am about to refer to. This statement appears—

“ A RUMOUR.

“ A Press Association telegram states that a farmer named Leary, residing near Rathmore, was on Monday night visited by 40 disguised men and warned not to pay rent. Several of their number fired at him and he died on Tuesday morning.”

That appears in “ United Ireland ” under the heading of “ The Spirit of the Country.”

Then there is the same character of statement at page 2273, also from “ United Ireland,” and also under the heading as stated here : “ The Spirit of the Country,” appears these two paragraphs.

“ A telegram from Carrick-on-Shannon states that large quantities of farm produce were burnt on Wednesday night on farms near Readon and Ballyfarnon, the owners being suspected of paying their rent. A midnight warning.”

I am reading it literally, my Lords, as it is here.

“ A telegram of Thursday says :—A party of armed disguised men last night visited the house of a farmer named Michael Walshe, at Berring, 12 miles from Cork, and cautioned him repeatedly not to pay his rent or they would take his life. He said he would pay his rent and would not be intimidated by them. One of the party then fired and wounded him, it is believed mortally. The tenants were about to pay their rents to Mr. Saunders of Charleville, who is agent. It is stated they are afraid now to pay. A man named Daniel Herlihy has been arrested.”

Those two paragraphs, my Lords, also appeared under the heading “ The Spirit of the Country ” in “ United Ireland.” In the same newspaper, under the date of the 26th November 1881, it is proved, at page 2202, a letter appears addressed by Miss Parnell to the “ Freeman.” Your Lordships will recollect that Miss Parnell took a very considerable part in the Ladies' Land League. It says :—

“ But there is a class of evicted tenants who have hitherto been assisted from our friends who will not in the future receive any help from us. These are tenants, who being evicted from inability to pay, intend to redeem at the earliest opportunity.”

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SIR HENRY JAMES.

[Continued.]

My Lords, the war was being carried on with this policy, apparently not only against the landlords, but against, as I should say, or certainly at the instance of, the tenants. What does that mean—punishment, as we have had proved abundantly, against the tenants who have been able to pay, and were willing to pay—who were willing simply to perform their contract, shot at—shot to the death. That is one class of attack. There is a statement—that the tenant who was unable to pay, and therefore would be subject to eviction, if that unhappy man, acting as every other tenant would if he could, according to my friend Sir Charles Russell, clinging to his holding,—ask to redeem, so as to be able to go back again—that man is now sentenced by this statement of Miss Parnell that he shall receive no assistance during the time of his inability, and at the time he most wanted it. What did that mean? This policy could not mean that there was objection, as far as the tenant was concerned, to his redeeming and returning. He would have his holding given to him, and a friend of the tenant would be glad to see that result effected—but the enemy of the landlord did not wish to see it effected. He wished that the land should be derelict, as I have said, and that no one should occupy it, so that the landlord might be injured. Therefore while the tenant's interest was that he should redeem and return to the holding, in which we have heard it truly said, I think, the love of the tenant was centered, if that man only carried out that natural desire, which would benefit him, here comes this sentence, "You shall not receive any assistance from us during your time of need and when you are out from your holding." My Lords, do we not see now, and see distinctly, what this meant. If it were necessary to found an argument to prove who were the real friends of the tenants, could the person who wrote that letter, could the people whose policy caused that letter to be written, for one single moment support their claim to any real interest in the tenant's welfare? They were simply using that tenant's welfare, as I stated some days ago, as a pretence in order to inflict a wound upon the landlord. I know not through the whole of the case any fact proved, or any document which goes more conclusively to that which I have been seeking to prove, than this statement in this letter of Miss Parnell's, who was not speaking only individually, or only expressing her own views, but who was declaring the policy of the Land League from the very time of its initiation.

Then one piece of testimony, my Lords, that I would add to that which I have given. It comes from a witness called on the part of my clients; but at the same time it expresses that view, and after what now we have seen, proved and established by the evidence of the testimony for the respondents, it is very probably correct. This is the evidence of Captain Slacke at page 2159, where Captain Slacke says:—

"In the case to which I referred to, those large cases, where you will see evictions are wholesale, I am decidedly of opinion that if it had not been for the National League, and for the leaders and members of Parliament who took the things in hand, that the evictions would not have taken place at all."

Then at question 40,736, and those that follow, you will see instances are given of people who are inclined to settle, and tenants who had money in the bank, and were not allowed to settle. So that the evidence of Captain Slacke, which was derived from practical knowledge, is now established, I think, beyond doubt, if you will read the two documents which I referred to yesterday, Miss Stricke's evidence runs with Miss Parnell's letter to the "Freeman"; that must have been the principle, and the intention of the persons to whom Captain Slacke referred. I mean the principle and intention that the tenants should be prevented paying their rent, in order that the landlord may be injured.

My Lords, I have now completed all I have to say to you on what I have termed the three digressions I have made, in order to deal with my learned friend's argument that there were three causes producing crime, not traceable to the Land League. Those three causes, you will recollect, were recurrent distress, secret societies, and evictions. And, without repeating one word I have said, I would submit to you that I have now disposed of my learned friend's hypotheses in those directions; and I will now take up the thread of the occurrences in Ireland from the time where we left them, namely, in the early period of the year 1881.

It will be in your Lordship's recollection that Parliament met very early; and therefore we have the absence of those leaders of the Land League who were members

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SIR HENRY JAMES.

[Continued.]

of Parliament from Ireland, in the spring of 1881. Mr. Parnell at that time, as we know from the evidence of Mr. Davitt, had had communicated to him the extent to which outrage had proceeded—the appalling increase there had been in crime. I have already pointed out to you that the circular, which I hope I have been right in construing as I have done—the circular to organisers, and Mr. Davitt's speech, were the only methods and means that were used for the purpose of stopping crime. There was at that time, indeed, my Lords, a note of alarm given to these leaders of the Land League. The debate in Parliament on the Address, of which evidence has been given, caused alarm, and your Lordships will find that, as early as the 22nd January, Brennan wrote to the "Irish World"—a copy of the letter is proved at page 3375—anticipating that something might happen.

On the 28th January Mr. Gladstone, in the House of Commons, his speech being again in evidence before you at page 3324, drew his indictment against the Land League, by using words which I only refer to for the purpose of showing how naturally they would cause alarm, saying that "crime dogged the footsteps of the Land League." There is then a speech, my Lords, which I do not know how to construe, and I only refer to it in passing, a speech made by Mr. Parnell—proved at page 2331—it is rather I should say, a speech of Mr. Gladstone—in which he refers to Mr. Parnell, and in which he says: "The honourable gentleman says to me why have we not the courage to withdraw the ticket of leave of Mr. Davitt. I cannot myself find where those words come from that were said to Mr. Parnell, in Mr. Parnell's presence. Mr. Parnell does not seem at all to have doubted using those words, the meaning of them I would rather leave unconstrued, and I only mention these facts to show that at this time Land Leaguers must have been aware that there was very stormy weather to be anticipated. And the first sign of it probably, was that on February 3rd 1881 Mr. Davitt was arrested. And then comes the subsequent arrests that we have of many others of the conspicuous leaders of the Land League. In consequence of this state of alarm, Mr. Egan in the early part of February—the exact date I do not think is proved—left for Paris. He seems, as the evidence I shall have to refer to establishes, to have taken many of the Land League books with him. But at any rate the position of the Land League was such, that Mr. Egan had to remove the books so as to be away from the jurisdiction of our Courts. The reason, my Lords, I presume of his leaving, was that on January 24th (that again being proved before you) Mr. Forster had moved to introduce the Bill to suspend the operation of the Habeas Corpus Act. And that Bill, as will probably be in your Lordships recollection, became law on the 2nd March 1881. So, my Lords, it was on the terms of the Bill being known to the public, Mr. Egan removed to Paris, and upon the 13th February there was a meeting of the Parliamentary leaders in Paris, I presume to consult with Mr. Egan. It is proved at page 1939, that meeting in Paris consisted of Mr. Egan, who was already there, Mr. Matthew Harris, Mr. Sexton, Mr. O'Sullivan, Mr. Dillon, Mr. Kettle, Mr. Loudon Brennan, Mr. O'Kelly, Mr. Healy, and Mr. Biggar. The names, my Lords, I have given to you, you will find proved by Mr. Matthew Harris at page 6070. I mention the facts—they are part of the history of these transactions—to show to you that at this time, every one of these gentlemen possessing great influence in Ireland, able to exercise very great authority and power alike for good or for evil, that they had had brought to their notice, that the condition of Ireland was so serious on account of the crime, that that which sometimes is termed an unconstitutional state of things, was about to be brought into existence, namely, that the Habeas Corpus Act was to be suspended on the ground, as I have said on the statement of the Prime Minister, that crime was so rife, that it had to be dealt with by unusual measures. And that that crime which was so rife, was not the mere accidental existence of crime from distress, or eviction, or any other cause, save this: that it was following in the footsteps of the Land League. My Lords, what was the course that could have been taken, and what was the course that was taken? I have mentioned already the absence from many causes of conspicuous leaders. As to Mr. Davitt, it was an absence of course against his will. As to the others, it was a voluntary absence from Ireland. I have a right to say that during this period, and even the extended months of 1881, no denunciation of crime as far as I know can be found of any such authority that was given effect to. When I say 1881, I except the period before Mr. Davitt's arrest, when his speeches were made and he denounced crime to the extent to which I

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have so often referred. But will your Lordships recollect that when Mr. Parnell was in the witness-box, he was asked by my learned friend, Sir Charles Russell, to give the speeches in which he had denounced crime. I have referred to this evidence before. He mentioned the speech immediately after the death of young Mr. Boyd, which I have dealt with. He mentioned the Galway speech of the 24th October, with which I have dealt. Those were in 1880; but, my Lords, it stands, that while Mr. Parnell was asked to produce, sought to produce, took time to produce, every denunciation that he had made against crime, there is no such denunciation to be found during 1881. Will your Lordships recollect that during that year the crime of Ireland reached its maximum, the maximum crime of which you have any proof in the course of this inquiry. We have proof of what crime existed since the famine years, since the great famine, since the minor famine of 1861-64. And you will find, as I mentioned to you yesterday, that the crime of 1881, being upwards of 4,300 agrarian crimes, is greater than the whole period of four years of the great famine of 1846, and is greater than any year either before or after 1881, of which you have any proof that has been given in this case.

My Lords, that was, of course, a state of things which affected the action of the responsible Government. I am suggesting to you that it was a state of things that ought to have affected even more acutely the feelings of responsibility of that body of men who were claiming to be the *de facto*—the actual Government of Ireland. They were directly responsible, as now, my Lords, we suggest to you, for having successfully unsettled Ireland. They had heard the charge made against them, that the crime that was existing was following in the footsteps of their organisation, yet, my Lords, we find that those who could have done much to allay, as far as I am able to discover from this evidence, did nothing after the 3rd of February 1881. My Lords, if they were silent for good, I fear they were not silent for evil. At this time, in the spring of 1881, there was some organisation going on. In the documents that were produced, from the possession of Mr. Matthew Harris, there was, as your Lordship's will recollect, a rough diary, kept by Mr. Harris, and we can gather from that that the organisation of the Land League was, subject to the condition of absence that I have mentioned, still active. At page 1938 we have Mr. Harris's diary in evidence. February 1881, under date of the 2nd:—

“ Attended meeting of the Council of the Land League, also meeting of Executive, at which arrangements were made for organising the country.”

Then, my Lords, we have the account of the meeting in London and proceeding to Paris, to which I have already referred. On the 16th, after the Paris meeting, Mr. Harris arrived in Dublin and attended a meeting of the council. On the 27th he goes to Ballyhaunis, from Ballyhaunis went to Becon and organised a branch there. Then, during the month of March, you will find Mr. Harris very active. On the 6th of March he spoke at a meeting at Mullingar. On the 8th he went to Loughrea and made a speech in the evening. On the 12th the entry is—

“ Galway. Went to institute. Saw men. Things not as they should be.”

On the 15th he attends a meeting of committee at Clencarty. Then there is a receipt, I presume, for money—

“ Got 15 from Brennan.”

On the 17th the entry is—

“ Met Healy, M.P., at station, Went to Mountbellow and attended League meeting.”

On the 18th of March we have a trace of the Ladies' Land League—

“ Met Dillon at Haydon's, and seen him off. Mr. Buck, Ladies' Land League, arrived. Held a meeting and appointed executive. On the 25th went to Portumna *via* Killimore, came back to Killimore, and attended public meeting. Spoke for three-quarters of an hour and went back to Loughrea.”

I have to deal with this district and shall have to refer to that speech.

Then on the 30th—

“ Held a meeting of the League.”

And he there refers to what he said.

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“On the 31st left Ballinasloe and came on to Westport; held a meeting of delegates from Land League branches.”

So, my Lords, we have those who were really the men, in Ireland, at work. If I recollect rightly, Mr. Harris at this time was not a member of Parliament, and therefore he was more free to act, but we have a speech or two from those who were very responsible men. For instance, there was a speech of Mr. Dillon's at Loughrea. It is a speech at a time which was a troubled time, the 17th of March, and this, my Lords, is a speech which I am putting to you as not likely to have done anything to lessen crime.

It is at page 487 of the speeches:—

“We have been only one year that the Irish people have adopted our teaching, and I tell you to-day there are 3,000 families to-day sitting by their own firesides, and under their own roofs, who, but for that teaching, would be in the poor-house. And, furthermore, there are in Ireland to-day, as warnings and sights, what we have taken the liberty of calling ‘model farms’ for landlordism. In many an Irish county some 50 Irish farms were lying idle, and which no Irishman can be found base enough to put his foot in. These farms are warnings to the Irish landlords, and they are a protection to the Irish tenant, and I tell you here to-day that the day which sees those farms occupied, and which sees you and any tenant in Ireland on friendly terms, or having any dealings with the wretch who occupies a farm from which an honest man was cast out, will see the ruin of your cause and the yoke of landlordism set on your necks. Now this organisation has been before the Irish people, it has included the whole of the Irish counties for only about six months. The landlords think that because they have got Coercion Acts, because they have succeeded in selling out the cattle of a few Irish farmers, that they have broken the power of the Land League and crushed the spirit of the people.”

Then, my Lords, occurs the passage to which I have already referred, but I will read it again with your permission. It is at the end of the speech. There is much between what I have read and this, of course, but it is not material:—

“Therefore I would say to you that, even at the cost of some temporary sacrifice—and I appeal to the young men of Galway especially to show bold fronts to those tyrants—teach them that the Irish race is rising all over the earth to-day; teach them that there is a power still in the Irish race to destroy Irish landlordism, and win back the fair fields of Ireland for the people from whom they have been too long kept.”

My Lords, in the diary of Mr. Matthew Harris I read to you under the date of the 25th of March, that Mr. Harris was at Killimore—it is printed Kilmore—but I think it is Killimore. Will your Lordships recollect that Mr. Harris himself, at page 6088, told you that after the time when outrages commenced it would be dangerous to mention persons by name, holding them up to opprobrium; and Mr. Davitt himself, I forget whether in his evidence or in his speech, said that he would have been sorry to have mentioned a person by name, for fear of the consequences, I presume, that might occur. On that day was the entry, and that week we have the speech of Mr. Harris. It is printed in the note as of the 21st of May, but the real date, as shown by the speeches at page 494, is the 25th of March. I do not know that it is very material. This is what Mr. Harris, the organiser of the Land League, representing the League, said under the condition of things, outrage having commenced, when it was dangerous to mention the name of any person:—

“When I came here to-day I was told by the Rev. Chairman not to indulge in personalities, that is not to mention any names. But there are a good many landlords in this locality that I should like to speak about. But my friends before I conclude I would like to remind you to beware of the landgrabber. And I am told there is one in this district named Kennedy. That vile wretch! Keep away from him, for his very breath is contaminated; he is a disgrace, not only to this locality, but to all Ireland. I am told this wretch has six of the Royal Irish Constabulary guarding him every day. They march up and

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“ down with the plough as they tear up that poor widow woman’s land. I am
 “ not enamoured with the constabulary, but still they are a respectable body
 “ of men in general; but when they are sent to do the dirty work, and when
 “ they are employed guarding such a wretch as this Kennedy, they will soon
 “ become as contaminated as himself, and the Government who sent them there
 “ are just as bad. So keep away from this Kennedy as if he was a demon from
 “ hell, and everyone belonging to him for generations to come.”

That is so printed in the Report, and we say approved, but of course it may be in your Lordships recollection that Mr. Harris said he did not think he used the words “demon from hell.” He first said “I do not think I used that expression. I do not think I did, that particular word I did not use.” And then I asked him “Which word?” and he said “Demon from hell; I never used such an expression, at least so far as my memory tells me, I state it absolutely.”

My Lords, let that be as it may, but according to the whole record of the print, it was to hold up this man Kennedy, who was under police protection, and who had to continue under police protection, so that there was, as regards him, no outrage committed upon him.

Then, my Lords, I cannot pass by a short extract from two other speeches, as they bear very materially upon the matter I am now about to place before you, namely, two speeches of Mr. Harris upon the 3rd of April at Clifton. The evidence of it is given at page 2198. The report of the speech is at page 538 of the speeches, I think.

(*Mr. Justice Smith.*) It is not in the regular speeches.

(*Sir H. James.*) I have a reference to it, my Lord. I think it is 538. It is the speech of Mr. Harris at Clifton on the 3rd of April. I will read from the report, if you will allow me. It is page 496 of the speeches—Mr. Henn. I need not trouble your Lordships about this. It has a reference to Mr. Henn’s name, but it proceeds:—

“ If an old starved rat, with a black muffler about its neck, were perched on
 “ a bench, you would have a picture of an instrument of British tyranny. There
 “ were a lot of decrees taken out yesterday by a man named Robinson, but he
 “ (Harris) forgot to bring with him, to read for the people, a portion of the
 “ evidence given by this Robinson before the Land Commission. When one of
 “ the Commissioners asked him, ‘Could not a peasant proprietary be easily
 “ established in Connemara?’ he replied, ‘Would you establish a vermin pro-
 “ prietary?’ He (Mr. Robinson) was now protected by police, but when they
 “ allowed him to go about amongst them without police protection they were no
 “ better than vermin. Let it not be said that he wanted anyone to shoot this
 “ Robinson; no, there were many many ways for dealing with him. We read
 “ that in China there are persons who are fond of the flesh of fat dogs, and there
 “ are dog butchers. And when these dog butchers go on the streets all the dogs
 “ in the place follow them, howling after them. And Robinson could be dealt
 “ with similarly; when he went amongst the people every man, woman, and child
 “ should follow after him and howl at him—this human monster. They (the
 “ people) had a magistracy whose sympathies were entirely with the landlords,
 “ with whom they seemed to be in alliance to crush the people; and as far as he
 “ was aware there were not three Catholic magistrates in the whole district.”

Then, my Lords, at the end of the speech which has been referred to before, speaking of evictions, he says:—

“ He would now tell them what the Land League would do for them if any
 “ man was obliged to resist his landlord at law. The Land League would pay
 “ all the expenses for him except the original debt, so that he would be no worse
 “ off when the law was over than when it commenced. And when the sheriff
 “ comes, if the tenant was able to resist no further, he would get some friend who
 “ would buy his goods for him. But the resistance should be given in a legal
 “ constitutional way.”

Then comes the Irish word “Dhig-in-thue,” which Mr. Harris says means “Do you understand?” Some gentleman, who was here in court at the time, said the literal translation of “Dhig-in-thue” was “Don’t you twig?” I do not know which is correct.

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(*The President.*) Mr. Harris said he did not know the Irish, but he thought it meant humbug.

(*Sir H. James.*) Yes, but he used the word to an Irish audience.

(*The President.*) And used it in the sense in which he said that it meant humbug.

(*Sir H. James.*) He then advised them to establish branches of the Land League in every district. We have one other speech mentioned at page 6096—a speech delivered by Mr. Harris at Carna, also in Galway. You will probably recollect that speech, because my friend, Sir Charles Russell, who seemed to be dealing with Mr. Harris in advance, always admitted that speech was, as he termed it, a most ungallant speech, as Mr. Harris called a lady—Mrs. Blake—a “she-devil.” Probably it was so. I agree with my friend; whether it was a positive averment of the fact, or whether it was conditional, does not make the speech more gallant, I should say, in its character, because Mr. Harris, when that speech was put to him, uses these words: “You have a bad landlord in this locality, or landlady—Mrs. Forbes, I mean.” Then he says that she wears certain garments of a masculine character, and then says that “Mrs. Blake, of Renvoyle, she is no better than a she-devil.” He says: “I did not use that expression in that sense at all. I remember having used the words ‘she devil,’ and regretted it very much, but I put it in a conditional sense. I put it that Mrs. Blake was little better than a she-devil.”

(*Mr. Justice A. L. Smith.*) What page are you reading from?

(*Sir H. James.*) Page 6096, my Lords. Whether that language was conditional or not, it was being used at a time when outrages had commenced on Mrs. Blake’s property, and her life put in peril; and one cannot wonder that such things existed, when Mr. Harris, with his overwhelming influence over these peasants of the West Coast of Ireland, was speaking, whether in the present or conditional sense of this lady, by applying such language to her, and at a time when your Lordships will recollect. Mr. Harris admits it was dangerous to mention any person’s name, as they would thereby be so focussed that outrage would be committed upon them.

One more speech I will refer to. It is an important speech of Mr. Dillon’s, made at Donegal. I was about to deal, by way of example, more especially with Galway in now addressing you; but this speech was made in one of the Western Counties, namely, Donegal, by Mr. Dillon, on the 18th April. It is at page 457 of the speeches:—

“Do not,” said Mr. Dillon, “be waiting for directions from Dublin. Do not be looking for leaders. Let every townland fight this battle. You have brains in your heads; another game before you is simply one of passive, obstinate, resistance, and if the Government breaks up the organisation in Dublin, and arrests the leaders, then what you have got to do is hold meetings after Mass every Sunday, and pledge yourselves to carry on the struggle honestly and honourably. As I said before, let leaders be got up amongst the young men of every townland, and keep an eye on every man who betrays the cause, and teach him by a principle which you understand much better than I do, that it would have been much better for him to stand by his neighbours.”

My Lords, what did Mr. Dillon mean by that?—

“If you act on this advice it does not matter whether the Government breaks up the central organisation or not. Every town and parish in Donegal should be an organisation in itself. Every chapel-yard could be a meeting place, where you could discuss the condition of the Land League in your parish, and take counsel amongst yourselves.”

When Mr. Dillon tells these young men of every townland that they are to keep their eye upon every man who betrays the cause, and teach him “by a principle that you know much better than I do,” what did he mean? In this county these were the men who at this time, as I will show your Lordships, were committing crime after crime, and crimes after crimes, which led in comparatively a few days after that speech was made to outrage; and he must have known the effect that his words would have when he appealed to those young men to act in a way better than he knew how to tell them.

My Lords, I now ask when were these things said? I cannot refrain from referring to the picture that my learned friend drew. I am referring to my friend Sir Charles

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Russell's speech at page 3679. My Lords, the picture that my friend drew of the action of those who were substantially his clients, for as he said, all were acting with Mr. Parnell, was, that they were beneficent, charitable men, and that they were endeavouring simply to relieve the distress that was to be found showing itself, even in men's gaunt countenances, and that it was out of very charity they were moved, and were justified in so moving, in order that the distress might be relieved.

My Lords, you will recollect that passage where he said to your Lordships, "Is it in human nature to expect the leaders of the people to fold their arms and do nothing?" My Lords, I could say, if they had folded their arms and done nothing it would have been better for all concerned; but even that would have been bad enough when they were dealing with crime. And then I am sure that argument of my friends was impressed upon your Lordship's mind by a quotation that my friend thought right to make to you in order to impress this argument upon you. My Lords, I wish to say one word on behalf of this quotation. It is a quotation, as you will recollect, from "Romeo and Juliet," where Romeo appeals to the apothecary. He appeals to him by way of tempting him, and, my Lords, I say I have something to say on the part of that quotation, because it is getting very old in the service of speakers. Lord John Russell used it in his speech in 1846 on the Crimes Act. Mr. Gladstone used it with regard to the Land Act of 1870. Mr. McDonagh used it on the State Trials in 1882; and my learned friend Sir Charles Russell used it; and if my learned friend Sir Charles Russell had not used it I intended to use it myself. But, my Lords, what was most remarkable was, that my learned friend used it taking all the point out of it, and thereby apparently endeavoured to found some argument upon it. Will your Lordships recollect what Shakespeare was doing when he put these words into the mouth of Romeo. He was making an appeal to a starved man, and he makes his description of the starved man come home to the man he wished to tempt, and then having so pointed out to him the horrible condition he is in, he proceeds with the temptation. But my learned friend took this strange course. He quoted four lines to your Lordship, and said;—

"Famine is in thy cheeks,
"Need and oppression stareth in thine eyes;
"Upon thy back hangs ragged misery;
"The world is not thy friend, nor the world's law.

That occurs while telling the man that he has gaunt misery in his face. That was not the object with which Shakespeare wrote those words. Then come in the tempter's words, which strangely enough my friend left out. He converts the colon into a full stop, and simply reads those lines descriptive of the starved man, and all that Shakespeare wrote those lines for is left out, and all I purpose using the quotation for is omitted. Having told him he was a starving man it proceeds;—

"The world is not thy friend,
"Nor the world's law;
"The world affords no law to make thee rich,
"Then be not poor but break it."

Every other speaker, until my friend, Sir Charles Russell, used the lines, had of course seen the whole object of the quotation and used it, and this quotation was a most appropriate quotation, if he had only read it in full:—

"The world affords no law to make thee rich,
"Then be not poor but break it."

In that last line arises the line the Land League was acting upon, and was bringing home to these people. "You are poor enough," they had a right to say to them in 1881. They had a right, before the charter of the tenant had passed, to say to them:—

"The world affords no law to make thee rich."

If it had stopped there there would have been little of evil.

Now, in these speeches that I have been reading to you, comes the incitement: "Then be not poor but break it," and this quotation of my learned friend, with all that is left out, forms one of the counts, in the language of Shakespeare, against these

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leaders of the Land League—that they were urging by their speeches and urging by their writings those who were poor, having no law to make them rich, to break the law. These speeches that I have just read to you were incitements to break the law. The poverty that existed was slowly passing away. So long as it did exist it was used simply as the ground of the temptation. It was used as the tempter had used it in these words I have quoted, as the Land Leaguers were verily using it to impress upon these men the necessity of breaking the law. And if the speakers had the discretion of Mr. Dillon not to define the very blow that was to be struck, or the men against whom it was to be struck, they used language more dangerous still, and they told the young men, the sons of the farmers, the moonlighting bands, to use the methods they knew better than anyone else, and so the breaches of the law occurred, and this sad tale of outrage has to be told, and these murders that I am now about to refer your Lordships to, did take place.

After these speeches have been made (and I can only take certain localities as matters of example), I come to the murders that existed in the neighbourhood where these speeches had been made, shortly after they had been made. I am referring especially to the Loughrea district. The Loughrea district, as your Lordship is aware, of course, is in the county of Galway. Your Lordship probably has these districts with which we have to deal in your mind. Loughrea is a comparatively short distance inland or easterly of Galway Bay. I am speaking of the district where the murder was committed. At page 4394 we have evidence given of a murder where a family of the name of Connors lived, which is at a distance of some six miles away from Loughrea. I should like to call your Lordships' attention to the history of this murder. The circumstances are proved at page 507 and subsequent pages to 509. We had the evidence of the widow of this unfortunate man; and she tells you that some years ago (I cannot give your Lordship the date; she spoke of course without certainty as to date) the bog had been taken by James Connor, the date being given as in 1880 or 1881. He had a piece of bog which a man named James Keogh had given up, as she says, and he did so through refusing to carry wild-fowl for a gentleman. Some years ago James Connor took that bog. Everything was quiet with respect to this family at least, for years. No objection seems to have been taken to it. The woman says they were on good terms with their neighbours, and until immediately before (May 1881) the neighbours and this family lived upon good terms. Then we have it that in December 1880 the Land League is started at Loughrea. That is page 4445. Then we have these speeches in the county of Galway, one of them at least, as I have told your Lordship, in this district. Then comes the unsettling of the people, and upon May 11th (your Lordship will recollect the dates of the Galway speeches I have given to you) the husband, going to the funeral of his father-in-law, was shot and knocked off a car, and died from the wounds that he received.

The second in this Loughrea district also occurs in the month of May, the same time in relation to the speeches, and the evidence respecting this murder commences at page 505. There is also some evidence with respect to Peter Dempsey at 500. It gives the history of the transaction, but my authority being those two pages, I think, the history of the matter can be correctly told in these words. On or about August 23rd, 1880, the landlord of some land, Mr. Daly, took possession of a farm occupied by a man named Birmingham. Murty Hynes took the land, and then you will recollect a speech was made on the 19th September by Mr. Harris at Riversville which is comparatively close to Loughrea. I am told it is about eight miles from Loughrea. Mr. Harris made the speech I have read. I will not refer to it again. Your Lordship will recollect it. It was the tiger-hunting speech.

(*The President.*) Yes.

(*Sir H. James.*) Then there was a speech by Mr. Dillon at Loughrea on March 17th. Your Lordship will recollect I have read Mr. Dillon's speech at Loughrea on March 17th this morning. You will recollect the terms of that speech. I do not know whether it is necessary to refer to it, but at the same time that the tiger speech was made—in September—by Mr. Harris, there is also a speech made in his presence by Mr. Malachi Sullivan, to which reference has not been made, but it is a very expressive speech. It is at page 141 of the speeches. He says:—

“ Will you not rather stand together in that fight than betray each other like
“ this man, this traitor to your cause and the cause of the country ? ”

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At that time Murty Hynes was regarded as having offended. He expressed his regret and was pardoned.

“ Will you not stand together? I will not, in the words of the poet, pray that earth may refuse him a home, and Heaven its God. I will not, for that would be giving too much importance to him. I would rather let him be among you, a marked man; a man upon whom every man will look as if ‘traitor’ was marked with a brand upon his forehead. And surely in this crowd or in this country is there any man who will stretch out the hand of friendship to a traitor? There is not a man who would kneel at the same altar with such a man; there is not a man who, if he saw him walking on one side of the street, would not walk on the other, for traitorism and fidelity are the very opposite, and should take opposite sides of the street. Will you not thus mark him? Keep him with that brand upon his forehead until he comes here and make restitution, and then, when he does that, then hold another meeting, a jubilant meeting, to celebrate the triumph of your cause. I promise him that, though to-day I have restrained my tongue, for if I let it free the hideousness of the act would cause me to say words that may be harmful to the cause I advocate; but if he comes here, if he gives up this land back again, I promise him that the words of laudation shall flow from my lips.”

So Hynes at that time, of course, did confess that he had erred against the Land League and the land became vacant. That was the land that Peter Dempsey took. On March 31st he took the land, which Hynes had given up. That is proved at page 505. Then we know that he was shot on May 29th. You will observe the date in relation to the speeches that had been made. I am not going to trouble your Lordship with it at any length, but there was a witness called for the respondents named John Hanify, and your Lordships will find that when subjected to a short but, if I may be allowed to say so, most able cross-examination by my learned friend Mr. Atkinson, that witness was asked, what was he murdered for? And after defending as far as he could the position that he wished to take up (for he had given evidence that there was no boycotting or ill-treatment and so forth) he had to admit that the only reason that he knew why this man should be shot was that he had taken that evicted farm. The witness said he never knew him do any wrong to anyone, and whilst he said he had no idea why he was murdered, at length he had to admit that he knew no reason why that man should be murdered except that he disobeyed the rules of the Land League, namely, that he had taken an evicted farm.

Then I am reminded of that work of Mr. Thomas Sullivan, his collection of poems. I will not enter into any question of the extent to which the poet's licence displays itself in that collection, but I can see of course that there is stirring language enough to move those who sympathise with Mr. Sullivan and who are affected by the rhyme of words. Mr. Sullivan, you will remember, celebrates by a kind of pean of victory (not this murder for a moment, I do not say that but) the acts of Murty Hynes, and celebrates too the way in which Murty Hynes was threatened to be treated in order to cause him to give up that farm.

The third outrage I have to deal with is on the person of Mr. John Lambert. Your Lordship will recollect evidence was given (at page 518) that he was shot at and missed. His offence, as far as we know, was that he had desired to obtain his rent. He had had, he says at page 518, a dispute with his tenants; I think he says it was in 1880. He wanted to get his rent which they would not pay, and on the 21st June 1880 he was fired at. He was going to the sessions, in order to prosecute a man named Corbet who had taken forcible possession after being evicted. He had been to a certain extent boycotted. His men left him, saying they were compelled by the Land League to leave him (that is at page 519), and although he was fortunately missed, he and his son were both shot at, and the intention of those who shot at him of course was the same.

Then we have in the same district in the same year a third murder, a fourth attempted outrage. At page 550 it is proved that on the 2nd November Peter Doherty was murdered. He took a farm on the property of Mr. Walter Burke, who was afterwards murdered. This man Doherty had been boycotted. He continued to hold the farm—he and his cousin together. People on the 2nd November enticed this man out of his house by letting his horse out of the stable, and then they shot him.

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Later on in the next year, June 1882, Mr. Burke also was murdered. He had let this evicted farm. That is at page 552. Again Mr. Allan Bell proves that Mr. Walter Burke, driving home from Sessions on the 8th June 1882, was shot. Corporal Wallace, the soldier who was in charge of him, was also shot; all this being connected with this letting or taking of this evicted farm.

Then I was about to mention what happened to Mr. Kennedy, who, you will recollect, was denounced or mentioned by Mr. Harris by name on March 25th. His fault was that he had taken a farm in April 1879, from which a Mrs. Dempsey, a widow, had been evicted. I do not understand there is any connexion between her and the Dempsey, whose name I have mentioned. You will recollect there was a speech of Mr. Matthew Harris directly bearing upon it. In November 1880 Mr. Malachi Sullivan makes a speech also in reference to him. And, then, although there is no outrage affecting him, he is placed in this position—that from time to time, when the feeling in this neighbourhood grows high in April 1881, he has to be placed under police protection. You will find it at page 703. He exists under police protection for some time. Then your Lordship knows we come to the more quiet period of 1882. Then the police protection is taken off, and in 1886, at a time when you will find the National League was very active in respect to boycotting, Mr. Kennedy has to be protected by police again, and so he is saved from outrage. Your Lordship will recollect in respect to Kennedy, who had to be placed under police protection in April 1881 (I think it has been referred to before, but whether it has or not, I should like to refer to it again), at page 3379 we had published in the “Irish World,” which at that time was being scattered throughout Ireland, a letter from Transatlantic headed “Landlordism doomed” saying:—

“Here is a sample notice that has had a terrifying effect in the Loughrea, co. Galway, district, where it had been extensively posted. What is especially terrifying about these notices is that they are generally *meant*.

“The placards were headed, ‘More to be murdered.’ The writer said that the authorities were mistaken, as they had the wrong men in custody for the murders recently committed in the district and concluded as follows:—

“The man who shot the men is still at large, and has more good work to do in the district and other parts of the country. Landgrabbers must be stopped at any price.

“The next place to be visited is near the residence to the man Kennedy, who holds the widow Dempsey’s land at Kylebeg. This Kennedy dug up the evicted widow’s potatoes after being sown. Does the Government think that such wretches will be allowed to live because they have passed the Coercion Act?—No. Such wretches will be shot if they had the protection of Her Majesty’s force. No more landgrabbers will be allowed to live in Ireland. The next parties to be settled with are landgrabbers named Clarke and Glennon”——

and so forth, going to other matters. Of course I know that is the letter of “Transatlantic” in the “Irish World,” but the worst of it is that notwithstanding the knowledge that the “Irish World” was containing these incentives to murder, as I almost consider them, those papers were at this very time being sent out of the head-offices of the National League, in Dublin, by the clerks of the National League in Dublin, and being scattered during this period of 1881 throughout the whole of Ireland, as we have shown, and I will endeavour to call your attention to the pages where we have shown it in a very few minutes. These outrages that I have mentioned all took place in the Loughrea district. I have shown you how the seeds had been planted; and so the fruit was gathered. Now, how was Loughrea, as a district, regarded in after time when again it had to be roused to action. I must refer to two speeches in that connexion. They were delivered, of course, at a later time, and as I have said, we often must look retrospectively in order to arrive at the condition of things at the time which is dealt with. Mr. Matthew Harris spoke on September 10th, 1885, at Loughrea, and thus he refers to the past:—

“In all Ireland there is not to be found a more patriotic, a more energetic, a better people, than in Loughrea and the surrounding neighbourhood. In fact, they are so inclined for the work, that in these latter days, when things are become somewhat cooled down, it has been said the men of Loughrea are

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“ very little good in the calm, but the very best is the storm. Well, for my part,
 “ I hope it won't be long until we have another storm, and then the men of
 “ Loughrea will come forward in the future as they have in the glorious days of
 “ the Land League.”

How, my Lord, had they come forward in the glorious days of the Land League? What was the storm but the storm of outrage and crime? How had they come forward in these glorious days except to commit these outrages and these murders that they did commit? And this is the word of commendation to people who at that time again are to be roused into action, again had to be worked up to the days of the storm. And now we know, by the construction that was put upon these acts, what was the intention of those who spoke to the young men of Galway and urged them to use methods better known to them than to the speaker. And now (I speak of it with regret) we have at this time Mr. Harris, triumphing in the fact that in the glorious days of the Land League and the storm, that which I have told you had been done, was done by the men of Loughrea.

My Lord, there is one other speech too, made equally at a later date. It is a speech of Mr. Arthur O'Connor's, made on September 10th, 1885. It is in the speeches at page 731. Mr. O'Connor, who is a gentleman who speaks, I am certain, with great deliberation, says:—

“ Though you have been good enough to receive my name with applause,
 “ I regret to find that it would almost have been better for me to have denied the
 “ name of O'Connor when coming to this neighbourhood, for I believe there are
 “ bad men of that name around here.”

That must have been some person who had made himself objectionable. There were cries “ No, no,” and “ There are,” in the crowd:—

“ Well, I hope if there is one man that disgraces the name, he shall have,
 “ some time or other, to feel the displeasure of his countrymen. The men of
 “ Loughrea are men who have been associated with our people for the last five
 “ years; associated with their sufferings and their trials.”

This speech is made in 1885:—

“ And I believe there is no part of Ireland has suffered more than this
 “ locality round Loughrea; and, while we deplore the sufferings of the people, we
 “ have at least the consolation that there is not another district in Ireland has
 “ shown any such determined front to landlordism; and I hope that that same
 “ spirit will continue implacable until the battle is won. It has lasted already
 “ for five years, and during those five years we have made some progress.”

My Lord, as to the bold front to landlordism, as far as I know, the front ranks were composed of these moonlighting men who committed these murders. The spirit that had influenced them was the spirit that Mr. Arthur O'Connor seeks again to call into existence. We know how it had moved men to action. We know what had been done in consequence of the spirit, and how the bold front had been presented; and thus, my Lord, with the sad record of these crimes existing, we have two leading speakers, Mr. Matthew Harris and Mr. O'Connor, referring back with pride to the actions of these days as if they had been some noble work of arms; as if there was something that good men might be proud of, instead of being, as they were, nothing more than the bitter and unnecessary crimes, of men who had been roused by agitation to action.

There is one more murder in Galway,—not in the Loughrea district. You will recollect that I have referred to two speeches made at Clifton and Carne. Those places, if reference be made to the map, will be found situated in the extreme north-west of Galway, on the coast away from Loughrea. We had the two speeches made on the 3rd and 7th April at Clifton and Carne respectively. And now we have this tale to tell which I ask your Lordship to allow me to analyse, because in this case evidence has been given of direct complicity, of leading members of the Land League. My Lord, I have to rely for the statements I am about to make, to a considerable extent, upon the evidence of a man named James Manion. In relying upon that evidence, I take the opportunity of asking your Lordship's consideration to

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a principle that must affect the evidence, to some extent, of Le Caron and the evidence of many witnesses that have been examined in this case. It may be said, and I think rightly said, that this man, Manion, to a certain extent in these proceedings was a participator and an accomplice. He does, as I shall show your Lordship, receive in respect of his testimony a vast amount of corroboration, but, my Lord, let me assume that he did not. I gather from my learned friend's speech (I may be in error; it is not directly stated) that he looked upon the evidence of an accomplice as of no value unless he be corroborated. I do not know that rigid rules of law need to be argued at any great length, but, on principle, I submit that such a view is not applicable to the matter that is now before you for investigation under the circumstances in which you are investigating it. I need not, I am sure, remind any one of your Lordships of what is the rule of evidence affecting trials in criminal cases. The rule, of course, of requiring corroboration of an accomplice is a very trite one, and one well known to you. But upon what principle is that founded? I always understood it was founded or proceeded rather from the fact that the person accused had no opportunity of stating anything by way of answer to the accusation of the witness, and therefore our law had humanely interposed to lay down or to establish the principle that, if two persons only had been present, it may be, at the taking place of any act, and one came forward and said, "I, equally with the accused, took part in it; I am, so far, therefore, affected by the crime," and the accused has no answer to give, that that evidence would not be sufficient on account of the inability of the accused person to make reply to his accuser.

But, my Lord, does that in any way refer to a civil case? Supposing, that which might be the subject of criminal indictment, namely fraud—a charge was preferred in a civil court, say, of fraud, in the issuing of a prospectus—and the person came forward and said, "I was a director and took part in the issuing of that prospectus. I admit it and A, B, C, and D were my participators." I presume that no law says that requires corroboration. For this reason: that those who were so charged, can come forward and give their answer if they wish. If they remain absent, if having an opportunity of giving their evidence, they abstain from giving it; I submit there is no rule of law which says, that under such circumstances, the witness's evidence is not to be submitted for consideration and his credibility tested. What then is our position here in this inquiry? I shall have something to say as to the absence of one or two possible witnesses from this court, hereafter; witnesses who were promised to be called, and with respect to whom an undertaking was given that they should be called. But, my Lord, every one of the persons whose name has been mentioned by witnesses here, and who are affected by their testimony, have the power of being called here. They can come here as of right. They can come here with every protection afforded them. If they state that which will criminate themselves, the protection of your Lordships is to be afforded to them, in order that the greater result of truth being ascertained, may be arrived at. And so every one of these persons to whom this man Manion, to whom I am about to refer, could have been called to say that what he said is incorrect, equally as every witness of whom Le Caron has spoken, or any other person who has given evidence has spoken, could come forward, and defend his own character and his own position if he thought right. Then I say the principle being so, and I will not refer to this subject again on general principles, I am not going to discuss this matter technically, because the result, at least I presume so, to be arrived at, is—what is the truth? My only object is to submit to you, that even if you find, when every particular mentioned has no corroboration, that testimony is not to be struck out in this case, because the principle I have referred to, which caused corroboration to be necessary, and which required it to be given, has not been given—

(*The President.*) Is it not rather a doctrine of expediency than an actual principle of law? Juries are recommended, and strongly recommended, not to act upon the uncorroborated testimony of accomplices. It is never put that that evidence is not to be used.

(*Sir H. James.*) No.

(*The President.*) But I was about to add that the corroboration is only of surrounding circumstances, so as to lead up to a general presumption of the truth, because it would be an absurdity to say that no evidence of the accomplices should be

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received, unless it is corroborated by other independent testimony, because there would then be no need of the accomplices evidence.

(*Sir H. James.*) If your Lordship pleases I was endeavouring to put this view—the strongest view against myself. I think you will find that in olden times the rule was regarded almost as a rigid rule, that it required corroboration. I am speaking now as to the first sentence that fell from your Lordship. In later times it has been regarded rather as a question of expediency and caution, so that, acting with all humanity, judges have substantially directed juries that they ought not, as a matter of caution or prudence, unless there be great exception, act without corroboration, that is in later times. But now, having taken this opportunity of referring to the necessity of corroboration in respect to all the evidence of those persons who may be rightly termed accomplices, I am going to ask your Lordship to allow me to refer to the proof that has been given of Lyden's murder, because we have had, I submit to you, a very direct proof of complicity of leading members of the Land League. This murder, as I have just mentioned to your Lordships, took place in the extreme north-west or coast district of Galway, and the murder occurred on the 24th April 1881.

The history of that man's position you will find stated at page 632. He had been herding a farm belonging to a Mr. Graham. It was formerly held by a man named Welch or Walsh, and as far as I can discover, this man had been on the farm herding for some time. Mrs. Lyden—it is at page 632—Mrs. Lyden, after stating Walsh gave her the farm, is asked—

“ Q. Was your husband herding the farm for Mr. Graham?—A. My husband was looking after it. Q. Had you a son also?—A. I had indeed, sir. Q. What was his name?—A. Martin Lyden. Q. Was he living with you?—A. He was, and working every day. Q. Up to the month of April 1881 was your husband on good terms with his neighbours?—A. Indeed he was.”

She is asked when Walsh's farm had come into the landlord's hands It is put to her the year 1876; her answer is—

“ I do not know, but I think we were herding there a bit for him before it.” So that at any rate there is some time—years or months. I will take it years that these persons had been so employed. The Land League in the sense I am about to explain to you was established, if it was established at all in the proper sense, in November 1880.

Then we have Mr. Harris's speeches on the 3rd and 7th April; and then this man, who had been living in peace with his neighbours, and who had been for some time herding upon this farm, and, as far as we can discover, only because he had herded upon this farm, on the 24th April is murdered. There had been, as you will see, a previous attempt, which had failed. The man did not come out of his house. Then we had that tale that was told by this widow woman, of how the man was taken out of his house into the roadway and shot; and then she goes on and tells a second tale. She is asked when these men broke in at the door.

“ Where was your husband at that time?—(A.) He was sleeping in the bed at the end of the room. He was sleeping when they came in. (Q.) And where was your son?—(A.) He was lying along with the father.”

Then she is asked as to the age of the father and son, and then it goes on:—

“ (Q.) Did you see what they did to your husband?—(A.) They brought him out and took him into the street.”

That means the road.

“ (Q.) How did they take him out; drag him out?—(A.) They dragged him out. (Q.) Out of the house?—(A.) Down from the room, out through the kitchen, and out at the door. (Q.) When they got him out what did they do with him?—(A.) They killed him. (Q.) How did they kill him?—(A.) Killed him with guns and with pistols. I think they had both of them.”

This man's offence was that he was acting as a servant or herd on the farm.

“ (Q.) Was he killed dead on the spot?—(A.) He was killed on the spot. (Q.) After that what did they do?—(A.) They came and brought out the little boy.”

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“ (Q.) After they had killed your husband, what did they do to your son?—(A.) They came and brought out the little boy again. (Q.) Did they drag him out?—
 “ (A.) They dragged him out, and he was screeching and calling till they brought him to the kitchen door, and they said that he had to go out. (Q.) Did they bring him out?—(A.) They did, dragging him. He was screeching while they were dragging him out. (Q.) Do you know what they did with him when they got him out?—(A.) They fired at him.”

And then she says that a month afterwards that boy died of his wounds.

Now, my Lords, who committed this murder—these murders? We have evidence directly. In the first place we have the evidence of James Manion, who gives his evidence at page 726. It is a long account. He gives part in his examination in chief, and partly in cross-examination. I have endeavoured to summarise the tale. I can give reference to page after page from which I obtained the information, but I invite, of course, your Lordships most careful criticism whether this account, as I have summarised it, is not a correct account. This man Manion's story is that—

“ I joined the League about 1880. Pat Ruane gave me a card and I gave a shilling to James Varrily for it. These were collected for the League.”

You will find the corroboration of this from the witness of the respondent.

“ James Varrilly, Pat Ruane, Michael Cawley, Michael McDonnell, and Pat Mulkerrin were the head men. A lot of these men used to come. When these men came to the house at Letterfrack—that is after receiving the Land League ticket—I was sworn a member of the Fenian society. All these men who were collectors were all members of the Fenian society. I have lived all my life in Letterfrack, but knew nothing at all about the Fenian society until I saw the League started. I do not see how I could call them Fenian meetings because they were all Land League meetings. Pat Ruane swore me in. We had drunk at Mrs. Welsh's, Pat Ruane paid for it.”

He then describes the moonlighting outrage—

“ After I had been sworn in I got notice from Ruane through a man named Faherty. I went with him to Varrily's house. Varrily's son joined us, and we three, with Pat Welsh, who was hanged for the murder of Lyden, went on Tully Cross Roads. We met there. Pat Ruane, Mich. Macdonald, Pat Mulkerrin, and a number of people. Ruane gave the order to Macdonald to see everything all right. He said that he could not go this night himself, because he was going on business in some other direction. Macdonald took command, and we went to the house of a man named Anthony Coyne. It was stated at Mrs. Walsh's the night before, that he was going to evict a tenant named Lyden. The arrangements were that we were to give him a beating, and to get a copy of the process. That we were not to force him any further, but if not, to shoot him. Some of the men had firearms. The house was broken in and he was taken out of bed. The fire was out. He was sworn not to force the law against Lyden.”

The Lyden referred to there is not the Lyden who was shot.

“ He swore the process served at Clifden had a copy of the process, and he hoped the people would give him a chance of his life at this time. He was greatly beaten—he was very much beaten, and they first gave him a very great kicking as you call it, and fired three shots through the roof of the house. Then we all left Coyne's, and every man scattered and went to his own house.”

Then, my Lords, he speaks of some other outrages, and proceeds at page 732 :—

“ I remember the time when the Lydens were murdered. We had a meeting at Mrs. Welsh's. Pat and Michael Welsh, Edward Varrily, Michael Cawley, John Flaherty, and a good many others were there. I got a notice from Pat Ruane to attend. Pat was not there, but his brother Johnnie Ruane was. He is both a Land Leaguer and a Fenian. It was said that the Lydens ought to be shot for herding a farm for Mr. Graham. The Welsh's had been evicted from a part of it. At a previous meeting it was arranged first to fire—that a

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“ party was to go, and Ruane said that he would send for them. This was a
 “ second meeting. We were sent for to go there, and about six of us went to the
 “ house, about an Irish mile off. Six of us went. John Flaherty, John Ruane,
 “ Henry Varrily and myself. I forget the other men’s names. The six were
 “ named by Ruane and Pat Walsh. We went about 50 yards off Lyden’s house.
 “ He kept a light, some of us had firearms. We did not like to make any
 “ appearance on account of the light, and one said to the other it was the best
 “ plan for to drive the cattle round the house, in order that Lyden might come
 “ out, and that he might drive them away again from the house, and that then
 “ they would get a chance of shooting him. The cattle were driven up, and
 “ Lyden’s dogs were barking, so that he did not come out; so they did not get
 “ the chance that time of shooting him, and the party dispersed.”

Then at page 734—

“ We called these Land Leaguers the Moonlighters. All the moonlighters
 “ I have seen, I never knew a Moonlighter who was not a member of the Land
 “ League. They beat the men or shot them. It depends upon whatever he was
 “ doing out of the way, that is, it depends on whether he was paying the rent
 “ or taking land, or something.”

Some of these men were tried for conspiracy to murder. In cross-examination it appears that he gave evidence before the grand jury, and four people pleaded guilty to the conspiracy to murder. Their names are given. Of course, their first attempt being unsuccessful, the murder was not effected in consequence of the man not coming out. On the second occasion the witness was not there. But here is this corroboration. Four men pleaded guilty to this conspiracy to attempt to murder which was immediately followed by the murder of the man and the man’s son.

(The President.) Someone, however, I see was convicted.

(Sir H. James.) Oh, yes; your Lordship will see, in one moment I shall refer to it, the young lad Welsh was convicted of the murder itself. You see Mannion was not present at the murder.

(The President.) I am aware.

(Sir H. James.) That is the conspiracy—the first abortive attempt.

(The President.) That I may have that name at once present to my mind who was convicted.

(Sir H. James.) The son of the widow Welsh at whose house he was. My Lords, there were two sons, one was sentenced to penal servitude for life, and the other poor lad was executed. In respect to these matters there is the evidence of Peter Flaherty at page 742. His evidence is rather as to the persons who formed the Land League.”

“ I was asked by James Ruane to join the Land League about 1880, I think,
 “ and paid him money. The two Ruane’s, Macdonald, Mulkerrin, and Mick
 “ Cawley were the other men. After I joined the Land League I was sworn to
 “ another society. I was sworn not to pay no rent, and to be true and loyal to
 “ the Irish Republican Brotherhood. There was a meeting on the mountain, close
 “ to Letterfrack, on Mrs. Blake’s property, between 12 and 1 o’clock at night.
 “ There were up to 80 people.”

Then there was a third witness, an important witness in some respects, Thomas Heanne, who was a very young man; he was quite a lad—page 2833—he was not belonging to the Land League or Fenian Society on account of his being so young; but he says he was present at Welsh’s, and he met there James Mannion at the Land League meeting, Welsh, Varrily, Connolly, Flaherty, and Ruane. That is at page 2833. And a man named Pat Macdonagh. He gave Varrily before. He speaks of the meeting at Mrs. Welsh’s when Varrily took the chair.

Then, my Lord, comes the proposition as to Mrs. Blake’s offence, and the proposition to hurt the cattle of her tenant; and then comes this statement at page 2834, question 47,266:—

“ You remember the time that Lyden was murdered?—(A.) Yes. (Q.) Some
 “ months before Lyden’s murder, were you at a meeting at Mrs. Walsh’s house?—
 “ (A.) Yes. (Q.) Were there several assembled there?—(A.) Yes. (Q.) Did
 “ any person take the chair?—(A.) Varrily. (Q.) Was there anything proposed

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“ by any of the members in reference to cattle; was anything said about any person's cattle?—(A.) There was. (Q.) What was said about the cattle?—(A.) They wanted to get them killed. (Q.) Who wanted to get them killed?—(A.) Those I mentioned there. (Q.) Whose cattle were they?—(A.) They was belonging to a tenant on Mrs. Blake's estate. (Q.) What was the name of Mrs. Blake's house?—(A.) I could not tell you. (Q.) Do you know the name of this tenant of her's?—(A.) No. sir. (Q.) Were those men you have already named, were they all present at this moment?—(A.) They were. (Q.) Was any resolution come to about the killing of the cattle?—(A.) There was. “ Did any men go to leave the room for the purpose of killing them?—(A.) Yes. (Q.) Who left, do you remember?—(A.) All those men. (Q.) Did you go yourself?—(A.) No.”

Now, you will observe that the names of a great many persons are mentioned there; four of them pleaded guilty. But now I ask what explanation is given? If this evidence is incorrect, and all these circumstances, where is the denial of these men? If they are innocent, their course then would be most desirous to come into that witness box and say that that innocence exists. But, as far as I know, one witness, and one only, is called in respect to the whole of these transactions connected with the Lyden murder, and that is the Rev. Father O'Connell. The Rev. Father O'Connell is the only witness called. The whole case stated by Manion, Flaherty, and Heanne rests upon this reverend gentleman. Now, the point of his evidence is that there were no Land League meetings held at Mrs. Walsh's. That is the most material part of this reverend gentleman's statement, but I have to call your Lordship's attention to what his evidence was. This reverend gentleman was curate at Tulla, and I am not really exaggerating anything, or diminishing anything, but the course he seems to have taken was this:—In conjunction with Father McAndrew, there was a determination to establish a Land League in the sense of obtaining a sufficient number of members to cause the branch to be affiliated to the central league in Dublin. And at some time, apparently, as far as I can discover, in the autumn of 1880, this course was pursued. Without consulting anybody, without consulting the committee men, Father McAndrew in conjunction with the witness, the Reverend Father O'Connell designated 12 committee men. You will find all this evidence at page 4289. Father McAndrew and Father O'Connell selected 12 persons whom they thought would be committee men. He is asked—

“ Were they designated by you and Father McAndrew?—(A.) They were. (Q.) Did you apply to them to become committee men?—(A.) No, they simply designated them.”

My Lords, under these circumstances it is not astonishing to find that Father McAndrew became president of the League, and Father O'Connell became vice-president. There was never any meeting, as far as I can find, at this point—never as far as I understand. I can find no trace of it. The committee were selected without any communication being made to them. The questions are distinct on the point:—

“ Pardon me, I am speaking of the committee; 12 persons were designated? —(A.) Yes. (Q.) Were they designated by you and Father McAndrew?—(A.) Yes, they were. (Q.) Did you apply to them to become committeemen?—(A.) No. (Q.) How then do you represent they were committeemen, if you did not ask them to act?—(A.) Well, I know very well they would have no objection, and in a district like that, where people are, some of them, eight or ten miles away from chapel, often times they cannot come, and they are rather backward in matters of this sort, and we did not think it necessary to go through the matter of a formal election. (Q.) Did not you communicate with them, that they were expected to take the active part of committeemen?—(A.) With some of them we did not. (Q.) I am speaking of the 12 gentlemen selected?—(A.) I understand. (Q.) Did you not communicate with them—you invited them to act as committeemen?—(A.) I think not. (Q.) Did you put them down in any book?—(A.) I know I returned their names to the Central League in Dublin. (Q.) Without their permission?—(A.) Without their permission. (Q.) Without their permission you returned 12 persons, and said they were committeemen?—(A.) I would not say without the permission of the 12, but I believe some of them without—without perhaps

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“ their knowledge. (Q.) Perhaps without their knowledge you returned 12?—
 “ (A.) Some of the 12, but not all. (Q.) I say without the knowledge of some
 “ of the 12, you returned the 12?—(A.) I should say so. (Q.) What were the
 “ duties of your committeemen?—(A.) The duties of the committeemen I suppose
 “ were to meet and consider any local matters that may be brought before them.
 “ (Q.) I am sure you will not use language intentionally that is not quite positive.
 “ You say I suppose so and so. I wish you to look back and see what they did.
 “ What were the duties of your committeemen?—(A.) I said before that we had no
 “ meeting of the committee from its establishment. (Q.) So I understood, but
 “ they had some duties, I suppose; had not they duties?—(A.) The duties, if they
 “ discharged them, would have been to consider local matters with a view—
 “ (Q.) To consider local matters—do you mean they considered them all at home,
 “ each for himself?—(A.) No, but to meet. (Q.) I understood you to say there
 “ were no meetings?—(A.) Yes. (Q.) Had they to meet and consider local
 “ matters?—(A.) No, they never met. (Q.) Never?—(A.) No, never. (Q.) Did
 “ they collect subscriptions?—(A.) They did. (Q.) Paid them in to whom?—
 “ (A.) To the treasurer. (Q.) Did he keep any books?—(A.) I could not say.
 “ (Q.) Did you, as secretary, never see any books?—(A.) Never; I believe there
 “ was one book kept which was to give an account of each tenant in the parish,
 “ the amount of the land he held, his rent, and his valuation. (Q.) Who kept
 “ that?—(A.) I believe I had that book.”

He is examined further as to the men called collectors. Your Lordships will recollect the witness spoke of two men collecting shillings. At page 4291 the witness says that this league was only established in a perfunctory manner—loosely.

(The President.) Did they send any money to the Central League?

(Sir H. James.) Yes.

(The President.) I should say that might very well be taken as a test that they recognised the branch.

(Sir H. James.) Oh, yes, my Lords, it was to get the money. I think we shall find it at page 4295. You will find there was a great discussion about the members paying 16l. or 20l., and the three-fourths. It is page 4294.

(Mr. Justice A. L. Smith.) Page 4293 is the collection.

(The President.) Page 4291 is what you were upon I understand.

(Sir H. James.) I was at first, because there Father O'Connell speaks of the collectors coming into existence; you will recollect the witness spoke of men being collectors. Of course there were more collectors. It is at question 63,073.

“ Of course there were more collectors than there were committee men, because
 “ there were so many more villages. (Q.) Was what you called the collection of
 “ this shilling a duty?—(A.) A duty. (Q.) Yes?—(A.) Well, I do not know in
 “ what sense. (Q.) Was it not one imposed on the committeemen?—(A.) That was
 “ previous to the affiliation of the branch. There was required that a certain
 “ amount of subscriptions collected should be sent to Dublin, so it would be
 “ previous to the affiliation of the branch. (Q.) If that is so, would it be
 “ convenient for you to give us the date of the application of the branch?—
 “ (A.) I cannot give you that. (Q.) About?—(A.) About November. (Q.) That
 “ will suffice for me. How long before that had the duty been imposed of
 “ collecting the shilling?—(A.) the week previous. (Q.) Now we have it
 “ definitely, the committeemen were to collect the shilling from certain persons?
 “ —(A.) I did not say that. I said they were likely to be men whom we would select
 “ to send off their names as committeemen. (Q.) You selected them; were they
 “ the men?—(A.) I cannot say that they were, but I say some of them were
 “ likely to be the men who would be sent forward.”

Then lower down on that page he speaks of the collectors collecting money; and of Nee, who was the treasurer. “The collection was about 18l. to 20l.” Then, later on, you will find he gives the number of collectors as 20. That is at page 4295, Question 63,186. It is at the bottom of the page. Then would your Lordships look at page 4296, Question 63,211, about the middle of the page.

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“ (Q.) Did you know a man named Patrick Ruane; that is the man whose name has been given in connexion with Lyden?—(A.) I did. (Q.) I presume that being his Christian name, he would be generally known as Pat Ruane?—(A.) Yes. (Q.) Was he a collector?—(A.) I could not say. (Q.) I should like you to try indistinctly?—(A.) Distinctly or indistinctly, I cannot; I do not even know that he was a member of the League; he had no house. (Q.) Did you take only subscriptions from householders?—(A.) That was all the subscriptions were collected from, as far as I am aware or as far as I believe, (Q.) Would not a man be qualified to be a collector unless he was a householder?—(A.) He would not be entrusted with it; he would not be asked to do it. (Q.) Did Patrick Ruane live in the area of your cure?—(A.) He did. (Q.) Did he lodge with somebody else?—(A.) With his brother. (Q.) Living with his brother?—(A.) Yes. (Q.) Would not a man be trusted as a collector if he was living with his brother?—(A.) He may or may not; it is not likely. (Q.) As he may have been a collector; was he not a collector?—(A.) I cannot say. (Q.) Did you know this man who was called Varrily?—(A.) I did. (Q.) Was he a collector?—(A.) I could not say. (Q.) He may have been?—(A.) He may have been.”

Now, my Lords, so far as he is asked questions as regards Cawley, and although he says—

“ He was not a member of the League,”

I do not know how he knows. He is asked as to Flaherty—

“ Was he a collector?—(A.) I cannot say he was from the other side of the parish. (Q.) You have said that you never attended any meeting at Mrs. Walsh’s?—(A.) Yes. (Q.) She lived at Letterfrack, not at Tully?—(A.) Yes. (Q.) Father McAndrew was the President, living at Letterfrack?—(A.)—Yes.”

Of course, my Lord, Father McAndrew is not called.

“ (Q.) You say now, no League meetings?—(A.) Yes. (Q.) I will take it as generally as we can. Did you know of meetings of men being held at Mrs. Walsh’s house?—(A.) I did not. (Q.) Your correction was quite right when you said no League meetings. You included the fact that you knew of no meetings at all?—(A.) Yes. (Q.) Is Mrs. Walsh still living?—(A.) She is, I believe. (Q.) At Letterfrack?—(A.) I think not,—I think she emigrated.”

I have a word to say upon that. My friend, Sir Charles Russell, on page 3769, says he is instructed to say that there was no connexion between the Land League, and these meetings at Mrs. Walsh’s, but I am putting it to your Lordships, that taking the evidence of Mr. O’Connell, which is the only evidence called to contradict these three men, that the result of his testimony is that he and Father McAndrew called this League into existence, they designated the committeemen, they had the collectors at work collecting money, as your Lordships will see from the amount given, substantially from the whole of the tenants in that district. One can understand that with 12 committee men and 20 collectors at work they would substantially collect from all; and looking at the amount of 18 or 20, as Mr. O’Connell says, they would collect from all. Having joined, Father McAndrew, who is not called, and Father O’Connell, who is called, never attended any meetings at all. They let these men go to the meetings and listen to Mr. Harris at Carna and Clifton; and they let them act for themselves. Then I ask your Lordships to come to the conclusion that the account given by Mannion and Hearne to Flaherty is correct, that these meetings taking place, the murder of the Lydens was planned and carried into effect. There is the corroboration of the four men who pleaded guilty. There is the evidence of Mannion directly given, and also the fact that of the sons of the woman Mrs. Walsh, one was executed and the other received penal servitude for life. My Lords, there is a matter in connexion with that murder of the Lydens which, as I have brought the tale of the murder and the evidence bearing upon it to this point, perhaps I had better mention now, because it is equally applicable to what I have to say in considering the means taken to defeat justice; but there is a circumstance connected with this matter that one can

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scarcely believe to be true, and yet the evidence is conclusive to the state of matters to which I refer cannot be controverted. We have heard that the meetings took place at the house of Mrs. Walsh, that she had two sons, one a young man who was executed for the murder, and the other a younger son, who is undergoing penal servitude passed upon him for the remainder of his life. And the statement made by Mrs. Walsh, as I can show your Lordship, in detail if necessary, was that she knew that both her sons were innocent, and knowing that her sons were innocent she stood aside with a secret in her breast, namely, that she knew who the guilty persons were or the guilty person was. I am not admitting, my Lord, that her statement is correct, and that her sons were innocent, and that she knew the guilty person, but she says she did, and so has appealed for sympathy on that account; that knowing the person who was guilty, sooner than see that person or those persons brought to justice she stood by and saw one of her children's lives taken away on the scaffold, and is now permitting the other child—the other son—to pass the rest of his life in penal servitude. She appealed, and others appealed for sympathy, because she so allowed her one son to die and the other to be driven into a living death. My Lord, what does that mean? It means that a person who so did would rather that an innocent man should die than that the guilty one should be punished. Treat the fact as you will, that is the formula to which you arrive; knowing that she could save a son's life she would not, because in order to do it she would have to state who was the guilty person. It is not merely standing by and saying the guilty man shall escape, but it is an allowance that the son she had born should die, and that a most innocent man should suffer. Well, my Lord, she appealed upon that state of facts, and upon that state of facts accepted as being true, for sympathy, and she had a subscription of 37,000 dollars made to her to pay her for having prevented justice being done upon the guilty at the cost of her son's life, and her son's liberty, and I regret as I read it that acting upon that view that her statement was correct of her knowledge of the guilty men, and her certain knowledge of the innocence of her sons, that the greatest praise is given to her for an heroic act, and amongst others who gave her that praise comes the approval of Mr. Davitt. This fund of 37,000 dollars was raised for the woman who had acted in the way we now know. At page 5706 it is said:—

“ Referring to the 37,609 dollars sent to the mother of the boy Walsh, who
 “ was hanged for a crime he did not commit, he stated that he had been informed
 “ that the poor woman knew who had committed the murder, but like the noble
 “ Irish mother that she was she would rather sacrifice her son than turn
 “ informer.”

That was the statement. The facts are put to Mr. Davitt at 5705. He is asked:—

“ Were you acquainted with that?—(A.) Yes, I think I remember the
 “ instance. (Q.) Did it come to your knowledge, at that time, that the mother,
 “ Mrs. Walsh, knew who the real criminal was?—(A.) No, I remember now
 “ distinctly the woman writing to me on behalf of her young son, who had been
 “ arrested in connexion with some crime in the locality, and her telling me he
 “ was entirely guiltless of this murder, and I think she said the man who had
 “ committed it had gone to America. I am only speaking from vague
 “ recollection. (Q.) Forgive me, you must allow me to put my question to you
 “ specifically, and I must ask for an answer. You have told me just now that
 “ the widow wrote to you?—(A.) Yes, that is my recollection. (Q.) Now, had
 “ you knowledge from any source of information at this time that it was alleged
 “ that the boy charged was innocent, and that she knew, or he knew, who was the
 “ real culprit?—(A.) I think that must have been the substance of the letter she
 “ wrote to me. I may have heard it from other sources. (Q.) Did you not get
 “ that information before the trial took place?—(A.) I have no recollection
 “ whatever when I got the information, whether it was before the trial or after
 “ the trial.”

Well, my Lords, if before the trial of the lad who had been executed, it is a terrible thing to think that an innocent lad has gone to his doom—I am putting it hypothetically—it is a sad thing to know that an innocent lad should have been allowed, by one voice who would have been powerful to save him, to have gone to his doom, and even

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if after the trial of the lad who has been executed there was still a young man in prison suffering penal servitude for an offence he had never committed, yet no voice is raised for that young man's release.

"Did you not get that information before the trial took place?—(A.) I have no recollection whatever when I got the information, whether it was before the trial or after the trial. (Q.) I think it was Lyden. I understand you to say that the mother wrote to you respecting her son who was charged with the crime of which he was wholly innocent?—(A.) That is my recollection. (Q.) Was not the son then waiting trial?—(A.) It is very likely she would write to me before the trial, but I have no recollection of the date. (Q.) I call your attention to the fact that the trial was in August 1882.—(A.) I do not think I was in Ireland in August 1882. (Q.) I must ask you, have you got the letter? (The President.) What page did you give?—(The Attorney-General.) The first page I gave was 2212, the actual detail with reference to the crime so far as we have got it at present, is No. 45, Galway, page 6 of the official return. (The Witness.) I cannot recollect that I was in Ireland in August. (Q.) It is not a question of your being in Ireland on a particular date or not?—(A.) You had put the date to me as August, and I was telling you I did not remember being in Ireland in August. (Q.) I put the date to you in order to try and refresh your memory as to the date of the trial. You told me a few moments ago that the mother wrote to tell you that her son was wholly innocent, and was either about being tried or about being punished for this offence?—That is my recollection."

If that evidence of Mr. Davitt's is correct of course the lad was alive.

"Try and tell me when you received that?—(A.) I am trying to the best of my ability. (Q.) When did you come out of prison?—(A.) The 6th of May 1882. I left for America on the 9th of June, and came back the latter part of August or early in September. (Q.) Have you got that letter?—(A.) I have not, nor any of the letters that I received in those years. (Q.) Do you know what became of it?—(A.) I am sure it was destroyed with thousands of letters. (Q.) I call your attention first to a paragraph of a speech of, I think it is Mr. Mooney, if I remember right, in America in 1883?—(A.) Was I present? (Q.) It is not for that purpose I am putting the question. I am sure I do not remember at the present moment. Were you in America in 1883?—(A.) Not in 1883, no. (Q.) I call your attention to this, at page 2212. (Sir C. Russell.) What is it? (The Attorney-General.) It is an extract from a speech. (The witness.) I do not remember reading it either. (Q.) It has nothing to do with your reading it or not. 'Referring to the 37,609 dollars sent to the mother of the boy Walsh, who was hanged for a crime he did not commit, he stated that he had been informed that the poor woman knew who had committed the murder, but like the noble Irish mother that she was she would rather sacrifice her son than turn informer.' (Q.) First, I ask you, do you approve of that?—(A.) Well, it would be a very noble action on the part of this mother if she did sacrifice her son in order to save her and him from the stigma of informer. (Q.) In order to prevent a real criminal in a murder case being brought to justice?—(A.) I am speaking of my opinion of the woman's action. If she did it, it was a noble action. I have suffered penal servitude because I would not tell of a man who had committed a crime for which I was punished. (Q.) I understand you to approve of the concealment of the name of the real murderer in order that the person who could give the name may not be styled an informer?—(A.) I do not think you are putting it quite fairly. What I said was, if that statement is true, and if that woman did sacrifice her son rather than that he should turn informer, I say it was a noble action on her part. (Q.) He being innocent, you observe?—(A.) Yes. (Q.) I understand you represent to my Lords that you think it a noble act to sacrifice the life of an innocent person in order that you yourself or that person may not be termed an informer?—(A.) That is my view of this woman's action."

We have had a good deal of evidence in this case of persons who have established to themselves a sort of faith in relation to crime. It is a faith which has afforded

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only homage to the assassin, and execration alike to his victim, his captor and his judge; but here, I believe, for the first time, was a statement, which beyond affording such homage, as I say, to the assassin, and such execration to those who are innocent, there are found to be men who will be in favour of the assassin and in favour of the homage of which I have spoken. In pursuit of it, they will justify and vindicate and approve as a noble act the allowing of innocent men to go to their doom, and those men being murdered on the scaffold in the name of justice, they being innocent of the crime for which they were executed. A sad, sad, state of things, a state of things out of which much must have come. If the leaders of the Irish people support such doctrine, show such sympathy with those who promote crime, must not crime have gone on increasing, as it did go on increasing during these sad weary months of 1881. I believe it is out of such acts as these—it is out of such doctrines as these which day by day were being disseminated amongst the people, be it in the press, be it by true leaders of the people, that produced this very crime. And, my Lords, when you hear these things brought before you as they are, and uncontradicted, are not these methods more dangerous, because they are safer methods, than the method of the very assassin who bribes another to commit a crime, or himself takes part in the act? The evil is not the less because it is of a general character. It is more broadly applied you may say than an individual act may be, but it is more powerful in its effects in “the production of crime” over a broad and extended area. And, my Lords, I ask you, and I ask it positively, that when judging whether these men did or did not directly cause this crime or that crime to be committed, to say that it is not necessary to earmark the words of Counsel, or directions in respect of such crime, that the general words that will incite men likely to commit crime which will cause them to become maddened by crime—to move them to frenzy and to madden them to crime—are the dangerous, and the most dangerous, means by which these crimes are produced. We now know the men who did pursue this course of moving the people to commit crime, and they are the persons who morally are responsible for these crimes. And, my Lords, I say, too, that beyond that there seems to me to be now direct evidence of conspiracy amongst those who so acted. Not, it may be, direct proof in respect of each and every one of these crimes so committed, but there is a conspiracy established between these men so to work up the people, so to direct the thoughts of the people, so to urge the people on, that crime shall be committed (I am speaking of crime in its general sense), and then when you see crime has been committed sufficiently in connexion with the localities where such inducements to crime have been placed before the people, I ask you to come to the conclusion that those who have taken such a part as I have now presented to your Lordships have been guilty of causing that crime to be committed.

My Lords, it is not too small a matter perhaps to deal with now in respect to this transaction, but I would remind you that as to this widow Walsh's fund, of which I have now spoken to you, when it was raised there was a subscription to it by Mr. Parnell himself, at page 3936, but I really do not wish, beyond mentioning the fact, to dwell very much upon it, because I think, in justice to Mr. Parnell, I ought to say that I do not know that all these facts were brought to his knowledge: in fact, it was assumed they were not. I can well understand that charity may cause a person to subscribe to the family of those who had erred and sinned. It would be a sad doctrine to say that those who had committed crime were to affect those who were belonging to them in that manner. It was only because it might be thought that I had omitted to mention that the question had been mooted that I have referred to it, but your Lordships will see from what Mr. Parnell says, I do not believe for a moment that he was cognisant, as Mr. Davitt was, that this woman was aware who was the guilty person, when she allowed her son to be executed. The result was that upon the grounds she had so acted, she received 37,600 dollars. A sum of 7,000*l.* was paid to this woman under these circumstances.

I am happy to say that from circumstances so painful as this, I have now to pass entirely away and come to matter which I am bound to deal with. It is following the sequence of time to which, as far as possible I have endeavoured to adhere, and having dealt with the early part of 1881, and leaving the events of the summer and autumn of 1881 still to be dealt with, I shall take up the thread of that which I regard the sequence of time, I think, in the best way, if I now deal with matters that at this very time were occurring in America.

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There is one point that I shall have to dwell upon now, included in this period, and that is the action of Le Caron in relation to his interview with Mr. Parnell. I have, however, got to deal with some Irish-American matters first. Le Caron landed in England on the 12th of April 1881. Respecting the events in America may I remind you that in the course of this narrative those events had been brought up to the time when Mr. Davitt left America in 1880, when I was addressing you on Thursday last. Mr. Davitt landed in England on or about the 20th of November, throwing some light upon what was likely to be the action of those whom I will call for the moment in general terms the Irish-American or the American-Irish. We have, my Lord, a letter of the 1st of November 1880, which will be shortly before Mr. Davitt's arrival, from Mr. Devoy, which is set out at page 2487. In the middle of the letter Devoy says:—

“ I propose to give a course of lectures this winter on the subject of the
 “ Irish National cause and the present crisis with a view to stirring up the people
 “ here and increasing the resources of the national movement. I will stipulate
 “ beforehand that the proceeds shall either go to the Revolutionary Fund of the
 “ V.C. or to the National Fund.”

That is as your Lordships know, the Skirmishing Fund.

“ So that we may be better prepared to meet any emergency that may be
 “ forced upon us in England, while believing that all our efforts should be
 “ directed to restraining the people in Ireland from any premature insurrectionary
 “ movement, I think the excitement at home should be utilised for the purpose
 “ of procuring the funds necessary to enable the National Party to complete the
 “ preparations for the struggle for independence. The line for that struggle must
 “ be selected by us and not by England, but we must not forget that our hand
 “ may be forced in spite of all our endeavours, and it therefore behoves us to
 “ commence stirring up our people in America now. I think the Land League
 “ has now money enough for present purposes, and that the state of things
 “ prevailing in Ireland demands that all money that can be got from our people
 “ here should be devoted to revolutionary purposes. I am convinced, in fact, that
 “ the doing of this is the best help we can at present give the Land League.”

My Lords, in consequence of the confusion in what the state of accounts was left I am not able, I am afraid, to trace out very clearly to you how much relief after that time in November 1880 came from America to the Irish tenants, or how much rather was paid to the Irish tenants in American money, but here is a statement of one who has been a leading form in what we have called the new departure, made as early as November 1880, that the Land League had obtained sufficient money, and that the money that is about to be collected is to be used for revolutionary purposes, and by spending the money in revolutionary purposes the greatest assistance will be given to the Land League.

The next convention that I know of is what has been termed the Buffalo Convention. We have some difficulty in keeping these meetings apart, but may I explain my view of them at once and then tell you under which class this meeting comes. We have spoken of the Clan-na-Gael; we have spoken of the American Land League at a time with which we have had to deal; and we have spoken of Patrick Ford's position, and then you will find it will be clearly shown to you, as I undertake to do, that in the American Land League itself there were two sections, one the clerical or moderate section, the other the extreme Nationalist section. I do not wish to repeat what I said; it may be in your Lordship's memory. I traced up the position of Mr. Walsh, the only active member of the executive, nothing having been done by McCafferty when I was placing my views before you on Thursday last. That position was mentioned by Mr. Davitt at page 6399, when he himself read the letter from the Reverend Lawrence Walsh to the Branch Land League and its members, beginning—

“ As I am the only officer now in active service of the National Organisation,
 “ I am compelled by circumstances to call a convention for Wednesday and
 “ Thursday, January 12th and 13th, 1881, to be held in Buffalo in St. James'
 “ Hall.”

and so that convention was held. It was no doubt, as here stated, summoned by Mr. Walsh, and he certainly represented one of the most inactive of the American Land

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League—it was the clerical section—and you will find the statement there made, that many branches had not come in. That appears in Mr. Davitt's book, I think, which Mr. Davitt was good enough to let us have at page 19.

“ He then reported the number of branches of the League that now existed, and that were connected with this organisation, there being many branches that, so far, had not yet had any communication with him, but he hoped that now as there was a permanent organisation formed, all would soon array themselves under our banner, and thus show that unity and harmony existed among the Irish people at home and abroad. There were now some 292 branches in accord with us abroad, and 137 of these were formed in the State of New York.”

Your Lordship sees a proportion of those came from New York. Now, what took place at Buffalo seems to have been of a very unimportant character, and it seems to have been of a character that met with the disapproval of all the persons who were active at that time. In the circular of March 1st, put in evidence at page 2504, the dissatisfaction appears to be expressed. It is a circular from the executive of the Clan-na-Gael to the officers and members of the Clan-na-Gael. There is this sentence at the top of page 2505 :—

“ The governing body has met and decided that the hour to strike for Ireland's deliverance has not arrived. This decision has been ratified by the Supreme Council and Executive Body. England, although beset with difficulties which grow more embarrassing from day to day, and may soon bring about Ireland's opportunity, is at present prepared for any emergency. Our preparations are far from complete, and no action upon our part, public or private, must tend to produce such a state of things as would enable the British Government to stamp out the organisation at home. Such a catastrophe would blast Ireland's hopes many years to come.

“ It must be averted at all hazards, at any cost. A serious danger menaces us and calls for prompt and vigorous action; once warned of it, and the remedy will depend largely on the good sense, prudence, and tact shown by members of the United Brotherhood locally in meeting it. This danger comes from the Land League, though not, we think, fairly chargeable to the leaders of that movement as a body.

“ At the late Land League Convention a party was organised, and is now actively at work inside that organisation, with the object of gradually sapping the foundations of our organisation and building up a power capable of crushing out the revolutionary spirit while ostensibly working for Ireland.

“ There is ample evidence of this fact from tried and trusted members of the United Brotherhood who were present and have since followed the drift of events. A crusade against secret societies has been commenced, and a spirit of undisguised hostility, fostered by men expelled from our ranks for various causes, is manifested in various quarters simultaneously.

“ That is only a prelude to attacks of a more vigorous and insidious nature both here and in Ireland, there is the best reason to believe. The ground is being prepared now, and certain rumoured alliances and tendencies of individuals point to an effort to convert the land movement into a mere old-fashioned whigs agitation, with a strong anti-national policy, as soon as the so-called *extreme* leaders are safely lodged in prison.

“ Now the United Brotherhood, as an organisation, has never gone into the Land League, but its members have been from the first the most active workers in that movement, and have contributed heavily to its support. The time is fast approaching when we must act as one man, and our only guide must be the interests of the United Brotherhood. We must know exactly what we are doing and whither we are tending. The interests of the United Brotherhood we recognise as those of Ireland. The energies of our members, their enthusiasm, and their money must not be used to crush the Irish Republican Brotherhood and to lessen the power of the United Brotherhood.

“ No specious pretexts or appeals to our feelings must be allowed to cloud our reason. We have hesitated some time about assuming the responsibility of offering this advice, but every day brings forth fresh

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“ evidence of the correctness of our views, and we should be failing in our
 “ duty if we neglected to warn you. We would advise you, therefore, to
 “ take prompt measures of precaution. Our members and their friends pre-
 “ dominate in a very large number of the branches of the Land League. *Every*
 “ *effort should be made to retain the money in the local branches until the executive*
 “ *body can meet, and after considering all the facts, decide upon what course should*
 “ *be adopted towards the League in future.*

“ This is a simple and effective measure of precaution, and amply justified by
 “ public events.

“ There are now an enormous amount of funds in the hands of the League,
 “ sufficient to meet all ordinary and extraordinary expenses for some time to
 “ come. In the present critical state of affairs it is very uncertain who is going
 “ to control this money, and to what use it will be put.”

Will your Lordship treat that for one moment as almost a key note? That controls the utterances and the acts that come afterwards. Your Lordship will see so far, though Mr. Davitt has the right to say that the Buffalo meeting was an American Land League meeting, as I say of the clerical party, yet within the branches of the Land League, the Clan-na-Gael as stated in this report had a majority. They, therefore, whilst at Buffalo, not having their way, are prepared that such things shall not continue in the future, and I am going to show to your Lordship that my friend, Sir Charles Russell, was quite wrong when he said there had been a policy of the Clan-na-Gael to capture the Land League. My friend is right when he says there was the attempt, but I will show to you that it was successful, and that the Clan-na-Gael as we proceed with the different conventions had the entire control of the Land League action. The American Land League and the Clan-na-Gael were worked by the same men, the Clan-na-Gael men being in a majority; the American Land League was used for Clan-na-Gael purposes, and the Clan-na-Gael adopted a policy of dynamite and carried it out.

In this book which Mr. Davitt has handed to us after having read from it, at page 19, I find this as to this Buffalo meeting:—

“ He (that is, the Secretary) then read a letter from Michael Davitt, in
 “ which all branches of the League were cautioned about remitting funds to the
 “ other side, after they had positive information of the suspension of the Habeas
 “ Corpus Act in Ireland. They should hold their funds until instructions had
 “ been received from across the water.”

Your Lordship will recollect Mr. Forster's Act was not passed till March 3rd. Of course this Buffalo Convention was held at a time before the Bill had been through the House of Commons. There is a letter at page 3375 from Brennan to Patrick Ford. It appears in the “ Irish World ” of the 22nd of January:—

“ We are in receipt of the ‘ Irish World ’ weekly letters with remittances for
 “ the Land League Fund, and we endeavour to acknowledge them promptly of
 “ late. If anything takes place here that will render the transmission of money
 “ from your side unsafe, I will immediately cable the ‘ Irish World.’ In any case,
 “ if, as we expect, the news is flashed across to you one of these days that the
 “ Habeas Corpus is suspended in Ireland, better not mail any more money for
 “ some time.”

So Mr. Davitt had written to the more orthodox section of the American Land League the letter which was read at the Buffalo Convention or meeting. Mr. Brennan writes to Patrick Ford, who belongs to another section of the Land League. Those two communications containing the request that money should be held in suspense, and if danger should arise from the arrest of leaders that money should not be sent; that agrees, you will see, with this document produced by Le Caron. It is really one of the corroborations of Le Caron. This document which was produced by Le Caron at page 2505 advises the same policy:—

“ We would advise you, therefore, to take prompt measures of precaution.
 “ *Every effort should be made to retain the money in the local branches*
 “ *until the executive body can meet.*”

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And that seems to have been the view of Mr. Davitt, Mr. Brennan, and the executive council of the Clan-na-Gael.

I mentioned the disapproval of the proceedings at Buffalo from the extreme section, and I would read the letter of John Devoy upon this subject. That letter commences at page 2747. It refers to other matters, namely, the Le Caron interview; but the point I wish to refer to specially on this subject is the concluding part of the letter at page 2748:—

“ On my own responsibility, what I believed would satisfy our friends here,
“ and make propositions that I might feel morally certain would be approved of;
“ but I would not on any consideration have them pay my expenses.”

That is as to another point.

“ They seem to misunderstand our dissatisfaction here. It is not with their
“ action in *Ireland*, but the action they allow their friends to take *in their name*
“ here. There is little difference of opinion about essential points, but we cannot
“ tolerate the kind of thing begun in Buffalo.”

The kind of thing begun in Buffalo was the action of the moderate or clerical section. That was shown by resolution in Buffalo, and that was not going to be tolerated, and, as your Lordship will see, it was not tolerated. There is disapproval, further, of this Buffalo Convention proceedings expressed by the “*Irish World*.” The “*Irish World*” says (page 3378):—

“ The treasurer shall receive all moneys paid the financial secretary, and
“ forward the same, at least once a month, to the ‘*Irish World*’ office, 10, Spruce
“ Street, New York, for acknowledgment through its columns and direct trans-
“ mission to the National Land League of Ireland.”

Then my learned friend, Mr. Asquith, interposed:—

“ These extracts are taken from a long leading article, which is headed:—

“ ‘ OUR REPLY.

“ ‘ LIGHT ON THE BUFFALO CONVENTION.

“ ‘ WHY THE “IRISH WORLD” IGNORED IT.

“ ‘ UNCHARITABLE CRITICS ANSWERED.’ ”

“ Your Lordships have had your attention drawn to the Buffalo Convention.
“ The article says:—

“ ‘ Why has the “*Irish World*” ignored the Buffalo Convention? This
“ question has often been asked. There is a time to be silent, and there is
“ likewise a time to speak, and the time for breaking silence has come. An
“ explanation is in order. The adversaries of the “*Irish World*” are not
“ satisfied with our let-alone policy. They are loudly knocking for a recognition
“ of some sort: they shall have it.’ ”

Those adversaries were those moderate men who supported the Buffalo Convention policy.

“ Now, here are the reasons that induced us to remain silent on that con-
“ vention.

“ (1.) It was irregularly called.

“ (2.) Territorially and numerically considered, it was non-representative in its
“ character.

“ (3.) It was, so far as the selection of officers went, a cut-and-dry arrangement
“ already hatched in a corner of New England.

“ (4.) Mr. P. A. Collins, the president, is a machine politician who would give
“ up to party what belongs to mankind—a man that is anything but popular with
“ the Irish National element in America.

“ (5.) We do not believe that the Land League will grow either in sound
“ principles or in pecuniary strength under the influence of a centralised
“ organisation on this side of the Atlantic.”

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My Lord, upon this state of things arising at the Buffalo Convention, Le Caron gave evidence at page 2749. This question was put to Le Caron :—

“(Q.) One other question.”

Then in inverted commas the quotation comes :—

“There is little difference of opinion about essential points, but we cannot tolerate the kind of thing begun in Buffalo.”

That is a quotation from Devoy's letter.

“What was the kind of thing begun in Buffalo?—(A.) An alleged attempt on the part——”

Mr. Reid says :—

“Stop, please. I would ask your Lordship whether the Attorney-General is entitled to ask this gentleman about the construction of a letter by somebody else? (*The President.*) This refers to fact. If it were only put as construction of the words, I should not allow it. (*Mr. R. T. Reid.*) Very well. (*The Attorney-General.*) I only want to identify what has been proved. (Q.) What did you understand?—(A.) An actual attempt that was made at the Buffalo open Convention, instigated, it was said, by friends of Mr. Parnell on this side, to expose, and disorganise, and disrupt the secret revolutionary organisation upon both sides of the water.”

(*The President.*) Just read on a little.

(*Sir H. James.*) I had only marked that passage.

“(Q.) Was that the same thing as is referred to in some of those reports which cropped up again at the 1881 Convention?—(A.) It was. (*Mr. Asquith.*) Perhaps my friend will allow me to put this question. (Q.) Did it not refer to the protest made in the resolutions passed at the Buffalo Convention against the use of violence and crime? (A.) I did not so understand it. (Q.) Do you swear that? (A.) I do swear that. (*The Attorney-General.*) Whatever it be, did it come up again in the attempt to oppose Mr. Bett's nomination, which you have already given evidence upon?”

That is at a later date. My Lord, bearing upon this point also is a conversation proved by Le Caron at page 2543. The conversation occurs after Le Caron's return and after the interview with Mr. Parnell. That would be in June 1881, and it is an interview between Le Caron and Alexander Sullivan. Le Caron says: “I interviewed Alexander Sullivan and had a conversation with him.” Will your Lordship refer to the bottom of page 2543.

“He also stated at the same time ‘It seems,’ he said, ‘that there is a misunderstanding on the part of Mr. Parnell and his friends as to what our complaints are. Now, while we don't differ in any essential point, we want them to understand—though we are not finding any fault with what they are now doing in England—we want them to understand that we disapprove of what they say about us in this country, and the action taken by some of their friends at our last Buffalo meeting.’”

Now, my Lords, if the tale was entirely told, and if the matter of the action of the Clan-na-Gael and the American Land League rested here, I think my learned friend, Sir Charles Russell, would have been justified, and that Mr. Davitt also would have been justified, in saying that there was no alliance between the American Land League in its apparent constitution, and the Clan-na-Gael. At that time the officers (I am now entirely confining my observations to this time) were of the clerical section, and the Clan-na-Gael people, as I understand this evidence, did not at that convention, whatever may have been their power, appear in sufficient numbers to control the convention. Hence action taken and resolution passed that they objected to; and, as Devoy says, and as Sullivan says, that is not to be tolerated, and Buffalo has, in its effect, to be swept out by subsequent action, which your Lordship will, without doubt, find was taken by the more powerful body, the Clan-na-Gael, within this body of the American Land League.

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I have dealt now, I think, with all I have to say as to this comparatively, and very comparatively, unimportant convention in Buffalo. You will notice it is not an annual convention. If the Trainor Hall meeting is to be taken as the foundation of the American Land League, of course the period of meeting had not arrived. That meeting took place in May 1880, when Mr. Davitt was present. I am speaking as regards open meeting. Mr. Davitt intimates (and, as I have said before, it assists me rather than anything else) that the view he takes is that Mr. Parnell's conference before leaving, which must have been in the very early days of March 1880, formed the foundation of the Land League. That was not an open meeting. That was a conference amongst leaders. The Trainor Hall, of course, was a more open meeting. If that formed the birth of the Land League, or even if the conference Mr. Davitt refers to where Mr. Parnell was present forms it, the observation is the same. A meeting that took place in January 1881 is not, of course, an annual meeting or a convention of the Land League; and when the Buffalo meeting was called, I take it it was called more from stress of necessity, as the Rev. Lawrence Walsh points out. He is the only executive person acting. He wants something to be done. He wants new life to come into existence, and he personally called those delegates; but it was not an annual convention or important meeting, and very little was done upon it.

I pass away from this comparatively unimportant meeting to following events in the order of time. That meeting having taken place in January, we come to Le Caron's arrival in England on April 12th. Will you note the circumstances in which Mr. Parnell was placed at this time? There were a few persons still opposed to Mr. Parnell. The rank and file apparently had, as Mr. Davitt has said, come in. The principal Nationalists had joined in September; but still there were some men of action, whether they belonged to Stephen's faction or not is perfectly immaterial, who were prominently represented by John O'Leary in Paris; there was also another person who has been mentioned; a Daly of Castlebar. A man named Ryan, of Dublin, is the name given by Le Caron at page 2497. Their names, I think, are also referred to a second time by Le Caron at page 2748, where Daly, of Castlebar, name again is referred to. Those persons, insignificant in number, were yet, if I may so term them, *doctrinaire* in relation to this policy, and they were persons who could influence, like the men at Enniscorthy it may be have been influenced, a few of the followers, and no doubt Mr. Parnell was willing to bring even these few men into line with him, and to obtain their co-operation. The importance of Le Caron's communications was regarded as being great, because, as you will recollect, he obtains two letters of introduction. Devoy gives him two letters, one to Egan, who was in Paris, and one to John O'Leary. This is at page 2491. Using those letters of introduction he arrived in Paris, and he sees Patrick Egan, and he learns from him (this is in evidence at page 2493) that he, Egan, was both a Land Leaguer and an Irish Republican Brother, or, as he says, "Irish Republican Brotherhood man"; that he thought the organisations could work together, because he speaks of "a perfect understanding between the two organisations." You will find at page 2493 a statement of his arrival in Paris and his interview. He first came to England on the 12th April, then to Paris, passing on, on the 14th, where he saw Mr. Egan and O'Leary.

Then at page 2494 Le Caron says:—

"He told me he was a Land Leaguer to-day, and something else when the occasion offered itself—presented itself. There was no reason why there should not be a perfect understanding between the two organisations—why they should not be working in accord with each other. (Mr. Davitt.) What two organisations?—(A.) The open movement and the secret movement—the revolutionary movement—that the open movement was a means towards the end that they all desired to obtain as Nationalists. He clearly defined his own position personally, and mentioned by name men upon this side who were just as good Nationalists as he was himself. (The Attorney-General.) Whom did he mention? —(A.) He mentioned the name of Mr. Parnell as being a thorough Nationalist in sentiment, always open. He was a revolutionist to the backbone. (Q.) Any thing further about him?—(A.) Yes. (Q.) What?—(A.) He cited to me as proof of his statement in reference to Mr. Parnell, that about a year previous to this conversation Mr. Parnell had made application, and had endeavoured to

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“ join the Irish Republican Brotherhood, the organisation upon this side of the water. But Mr. Egan stated that at that time Mr. Parnell thought a great deal of the organisation when he was upon the outside of it, but the organisation was not in as great and prosperous a condition as we would like to have had it, and as he thought it was; and that he thought Mr. Parnell would think a great deal more of it if upon the outside of it than if upon the inside.”

It is better to notice as we proceed. Your Lordship will recollect Mr. Parnell's evidence upon that point, saying it was not the case, but the question is whether Egan told Le Caron so. When we come to make the inquiry: Where is Mr. Egan, and how is it Mr. Egan has not given evidence here? Then, my Lord, there will come, as between Le Caron on the one hand, the statement and the probability of Egan having made it to him. There will come other considerations than those arising from Mr. Parnell's statement that he did not apply to enter the Republican Brotherhood.

(Adjourned for a short time.)

I was dealing, my Lords, with Le Caron's first visit to Paris. He had arrived in London, and had gone to Paris where he had this communication with Egan, and also as he says with Dr. Clarke, or Kennealy, as he was called, but whose real name was John O'Connor. And I presume he used these letters of introduction that he had received from Devoy to Patrick Egan and John O'Leary. After paying this visit to Paris he returned to England and he gave an account of his proceedings. They may bear indirectly on the case if we are searching for corroboration; still they are circumstances. Le Caron mentions at page 2497 that he arrived in London after visiting Paris on the 18th, so that he would have stayed there four days, and would have had ample opportunity of discussing matters with Patrick Egan. Before his stay in London he dined with a gentleman whose name we have heard frequently mentioned, Mr. A. M. Sullivan, a member of the English Bar; and he mentions meeting Mr. Timothy Sullivan there. Well, my Lord, Mr. Timothy Sullivan, who has been called, does not in any way contradict that statement. At page 2497 we have the statement by Le Caron that Patrick Egan on this visit introduced him to Mr. Parnell, but it was a formal introduction and no conversation at that time took place. And after that introduction Le Caron returned to Paris. That is mentioned at page 2498—after a stay of two or three weeks. Now, of course, my Lords, the introduction of Le Caron to Mr. Parnell took place in London by Patrick Egan; so Patrick Egan would have been in communication, it is but reasonable to suppose, with Mr. Parnell. He was, I gather, in matters of action, Mr. Parnell's most trusted lieutenant. As Mr. Parnell has told you, he trusted him to select the organisers of 1880, and he had acted as he said in similar matters upon Egan's advice. Therefore it is reasonable to suppose Egan would have discussed matters with Mr. Parnell, and Egan would have learnt from Devoy the position of Le Caron, the completely trusted man in America, and Egan and Mr. Parnell, I think it is but reasonable to suppose, discussing the events, would have discussed the necessity, or if not necessity, certainly the advisability of getting rid of the opposition that then was presenting itself to Mr. Parnell amongst these few leaders of the Fenian body. And so when Le Caron returned to Paris, and sees Egan, Egan communicated to him that Mr. Parnell would wish to see him. A more reasonable statement of events it is, I should think, scarcely possible to suppose, than the one presented to you by Le Caron, accounting for the fact that after seeing Egan, and Egan seeing Mr. Parnell, that he would learn from Mr. Egan that interview between him, Le Caron, and Mr. Parnell was desired. And so, my Lords, he also tells you, at page 2498, that upon his return to London, first seeing Mr. O'Kelly, he also sees Mr. Parnell. That information, and the circumstances attending it, is conveyed to you by Le Caron, beginning at page 2499, and following at page 2500.

(*The President.*) What question?

(*Sir H. James.*) Perhaps I had better give it more exactly. Question 43,754, will be the initial question. He says he saw Mr. O'Kelly, he had a little refreshment at the stand in the lobby, and they had some conversation together. Then he says:—

“ Mr. O'Kelly spoke in bitter terms of the state of the organisation towards Mr. Parnell, himself, and party. He thought something should be done and could be done by us on the other side to bring them into line. He denounced Mr. John O'Leary, our agent, as an old fossil.”

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Mr. O'Leary is admitted to have been an extreme man, still adhering to the doctrines of physical force only.

"I believe I told him Mr. O'Leary had denounced him for deserting the cause and getting into Parliament instead, betraying the interests of the organisation as their agent. During the conversation with Mr. O'Kelly, I think there was a division in the House, and the lobby was very full, and talking to other members, Mr. Parnell came up into the group, and at once recognised me, and we saluted each other. I think we shook hands."

He had been previously introduced by Egan, which renders this quite possible.

"I think we shook hands. Some few words passed between us, and he tapped me on the shoulder and said, 'I want to see you,' quietly saying that, and he beckoned to O'Kelly. Myself and Mr. O'Kelly went through the door from the inner lobby, passing down the corridor running to the library. I remember we were passing the doors of the library, and then we went down a corridor, running in a left-hand direction from the library, and we slowly promenaded up and down and took another corridor, which ran still on an angle to the left."

My Lords, I must not give evidence to you, but I have not heard that my learned friend Sir Charles Russell, with his full and complete knowledge of this locality, at all disputes that this description is a perfectly accurate one. He did not ask Le Caron whether he had other opportunities of seeing the corridor. Of course he might have had, and therefore the observation is not a very strong one. But I think it must be gathered from the absence of anything to the contrary that this description is most accurate, of a place where persons who wished to speak to each other probably go. Then the question is put—

"I do not interrupt you, but I want to ask, first, can you say whether anything passed that Mr. O'Kelly and Mr. Parnell were parties to? (A.) Yes; Mr. O'Kelly, as soon as we were in a retired portion of the corridor, resumed the same subject of conversation that had occurred between himself and Mr. O'Kelly previous to the approach of Mr. Parnell. That was the subject resumed. (Q.) Do you remember did he say anything beyond what you have said just now about his denouncing the people for opposing him or not? (A.) That was the substance. (Q.) If Mr. O'Kelly said anything fresh before you, or talked to Mr. Parnell alone, I want to get it."

And then there is a little interruption. Then it goes on:—

"(Q.) Did Mr. O'Kelly say anything else before you had a conversation with him?—(A.) Yes. (Q.) What?—(A.) He suggested that on my return I should use my influence with my friends on the other side to bring about a little coercion on their part, to bring the organisation into line on that side of the water. That we were all working for one common object, therefore there should, and need be no misunderstanding. (Q.) I want you just to explain what he said about bringing things into line. What two organisations?—(A.) The open movement on this side and the I.R.B. (Q.) By the open movement you mean the Land League, and by the I.R.B. you mean the Irish Republican Brotherhood?—(A.) Yes. (Q.) After Mr. O'Kelly left will you tell me as nearly as you can what Mr. Parnell said to you?—(A.) On Mr. O'Kelly leaving —"

Then there is a question whether Mr. O'Kelly said something else, and it goes on:—

"He said that the whole matter laid in our hands. 'You furnish the sinews of war, you have them in your power.'"

I take "them" as referring to the sinews of war and not the men.

"If they do not do as you tell them, stop the supplies; the whole matter rests in your hands. (Q.) Did he mention any name as to any person who should promote this bringing into line or closer alliance?—(A.) Yes. (Q.) Who?—He expressly wished that as soon as I returned to New York I should at once

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“ see John Devoy and say to Devoy, from Mr. Parnell, believing, as he stated, that John Devoy could do more than any other one man in the organisation to bring about an understanding such as he desired, he wished to secure his presence as soon as possible on this side of the water, agreeing to meet him in Paris on his arriving there, it not being advisable for Devoy to come on this side. (Q.) Did Mr. Parnell say that?—(A.) He did not, sir; he simply suggested coming to Paris, and stopped. (Q.) What else?—(A.) He also stated, in reference to Devoy’s visit, that so far as his expenses were concerned, that I could guarantee on his part that he would defray them. (Q.) Did he say anything about Alexander Sullivan?—(A.) Yes, he also requested me to see Alexander Sullivan on my return home, and mentioned also Dr. William Carroll, of Philadelphia. He also mentioned the name of William J. Hynes, and asked me to see those four by name.”

Then, my Lords, there is the further part of the examination which does not become of course, immaterial; certainly not from Mr. Parnell’s point of view, because he says it never occurred. The point I am upon is this communication, but I do not wish it to be said I have not referred to it. The witness continues the conversation, and he says:—

“ He desired me to lay before them the situation, and to show them the necessity for bringing about a thorough understanding, and if Devoy would not, or could not, come, to get one of the others, Hynes or Sullivan, not Dr. Carroll. He was aware of the fact from what he said, that Dr. Carroll was opposing the open movement—was not a friend to the open movement. (Q.) And he wanted to get Sullivan and Hynes to come over, if Devoy could not?—(A.) Yes. He said, ‘There need be no misunderstanding, we are working for a common purpose, for the independence of Ireland, just the same as you are working for.’ He said, ‘Doctor, I have long since ceased to believe that anything but the force of arms will ever bring about the redemption of Ireland.’ (Q.) Did he know you as Doctor?—(A.) Yes. (Q.) Did Mr. Parnell address you as Doctor?—(A.) Yes. I was introduced to him as Dr. Le Caron. (Q.) You have said already to my Lord that you practised medicine—took your degree as a doctor of medicine, and practised as a doctor?—(A.) I did, periodically, for some time.”

Then there is the conversation a little lower down at question 43,785.

“ In reference to his views as a revolutionist he told me that he did not see any reason why, when we were prepared, had sufficient money, were armed and organised, a successful insurrectionary movement could not be inaugurated in Ireland. He said ‘I think from the outlook that we will at the end of the year get in the Land League treasury a sum of 100,000 dollars.’ ”

I have read it as it is here—I am told it is pounds—it was afterwards corrected. (The President.) I remember it being altered.

(Sir H. James.) Now, I think I have read enough of the conversation. I go at once to what Mr. Parnell says, because this raises the traverse. It is page 3914, question 58,671:—

“(Q.) Have you any recollection of having had such an interview with Le Caron, or any interview with him?—(A.) I do not remember either his name or his appearance. I think it is very possible I may have had an interview with him. (Q.) I understood you to say you did not recognise him?—(A.) No, I cannot recall his appearance or his name at all. I have no recollection of him until I saw him in the witness-box. (Q.) Were you in the habit of seeing at the House of Commons from time to time visitors from America?—(A.) Frequently. I have seen American gentlemen passing through London very frequently in every year, and I saw American gentlemen during that time also, and Beach or Le Caron may have been amongst the number. He would have had no difficulty in obtaining an interview with me if he had wished to get one. (Q.) Did you ever say either to Le Caron or any other person——”

I am now referring to page 2500.

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“ I have long since ceased to believe that anything but the force of arms will ever bring about the redemption of Ireland?—(A.) I never said that, and I never even thought it at the worse period of coercion. I never for one single instant doubted that the constitutional movement and our Parliamentary action would succeed in the end. (Q.) Did you say that you did not see any reason why, when you were prepared and had sufficient money, and were armed and organised, a successful insurrectionary movement should not be inaugurated in Ireland?—(A.) I never said that to anybody. (Q.) Or words to that effect? —(A.) Or words to that effect. I never thought of such a thing. (Q.) Did you say this:—‘ I think from the outlook that we will at the end of the year get in the Land League treasury a sum of 100,000 dollars’—dollars it is printed here, I think he said pounds—‘ That is a pretty good nucleus’?—(A.) No, I never said that to anybody in such a connexion. (Q.) Or that ‘ you folks’—referring to the Irish in America—‘ ought to do as well as that’?—(A.) Oh, no, that conversation is entirely imaginary. (Q.) Did you enter into the question of estimating the amount of money and the number of men required?—(A.) No, I never did. (Q.) Or for an insurrectionary enterprise of any kind?”

Then Mr. Parnell denies having sent any message to the Clan-na-Gael or any Fenian mentioned by Beach—either Carrol, Devoy, Sullivan, and Hynes.

“ I never had occasion to communicate with any of these gentlemen, and as a matter of fact I never did from the time I left America in the November of 1880—(Q.) I believe you have never returned to America?—(A.) No, except Mr. Sullivan. I think Mr. Sullivan is one of those mentioned. I have communicated with him since he became president, while he was president, of the National Land League of America, wrote to him one or two formal letters. (Q.) Have you either directly or indirectly communicated with any of those persons for the purpose that is suggested by the witness?—(A.) Not at all. I never thought of such a thing. (Q.) Did you ever after this time, which, I think, is fixed by the witness as May 1881, did you ever see in Europe, either in Great Britain, or Ireland, or France, or elsewhere, any of those gentlemen? —(A.) No.”

I think I had better add to that Mr. O’Kelly’s statement before I comment upon it. It is at page 6046 :—

“ I have no remembrance of having seen Le Caron.”

He had only seen at this time, I think, a portrait of Le Caron in the papers when he was giving his evidence. He says he had no remembrance of ever having seen him.

“ (Q.) Did you read the account he gave of the interview with you?—(A.) I did, and I thought it a most improbable account. (Q.) It was specific?—(A.) Yes, and I have no remembrance of it, but it was an account of a transaction very unlikely on my part, because I would not be likely to introduce a man whom I knew nothing about to Mr. Parnell.”

Mr. Egan had introduced him according to Le Caron’s account.

“ He gave particulars of certain statements made by you?—(A.) Yes, which I believe to be untrue. (Q.) For instance, he said you denounced O’Leary as an old fossil—do you say nothing of that kind ever took place?—(A.) I have no remembrance of it, and it was a most unlikely thing. (Q.) There are some things a person can be positive and certain about, though they may not recollect the person stating them. Having read that evidence, are you able to say positively you had no such conversation with him?—(A.) I am prepared to say I have not the slightest remembrance of any such conversation ever having taken place. (Q.) You can gauge your own mind better than I—does that fall short of saying it did not take place?—(A.) Well, it scarcely falls short. (Q.) Falls short, well I hardly know what that may or may not mean?—(A.) It is a transaction of which I have absolutely no memory, that is to say, there is no trace of memory in my mind of the event having occurred, but I am not,

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“ therefore, in a position to say it never occurred. I cannot swear that it did, nor that it did not.”

Now, those raise direct traverse to the statement of Le Caron: and I wish to submit to you, and I do so after consideration of the matter, that Le Caron's evidence is correct. And I meet the testimony that is given on the subject by Mr. Parnell, first with the observation that Mr. Parnell's memory is such that, whilst not denying the interview—he does not do that—he says that he does not recollect Le Caron, that he does not recollect the man, or the face, at all. At the same time he says: “ I saw so many Americans I am not sure it did not take place.” Therefore, as far as the interview is concerned, Le Caron having sworn that it did take place, and, as I will show you, corroborated in some particulars, Mr. Parnell's evidence upon the fact of the interview falls short of denial. What does that establish? As against the affirmative evidence of Le Caron, it establishes that his memory is such that, not recollecting whether the interview took place or not, if it did take place, he would not recollect what did take place. And so it is, treating Mr. Parnell's evidence now for the moment as a matter of memory, to be correct—that he does not recollect whether he did see Le Caron or not, I again repeat, if he saw Le Caron, he cannot recollect what took place. Well, then, is it improbable, from Mr. Parnell's views, shown throughout this case, that he used those words to Le Caron. You will recollect that it is given that Le Caron had been introduced to Egan, that he had seen him; and even if it is not admitted, it is most probable that Egan would see the wish of Mr. Parnell to bring all these men into line. How was that to be done? By appealing to their reason? To appeal by argument would be useless. But the sinews of the war were coming from America: that money taken away from the Irish Republican Brotherhood, would render them powerless—would render them useless. They would have no arms, they would have no power of action. Therefore, Mr. Parnell would know that the best means by which to influence those men who were opposed to him would be that the sinews of war should be withheld, and then that they would be controlled by the men who had the money of America.

Now, it may be said that Le Caron has mentioned another subject of conversation, namely, his—Mr. Parnell's—views in respect of physical force; and it may be said, as Mr. Parnell says, I could not have used those words—because those words do not represent my views. With submission, my Lords, that is not the question. Mr. Parnell was communicating with Le Caron. He was communicating with a man who had brought a letter of introduction from Devoy to Egan, he was communicating with a man who was the head of a camp of the Clan-na-Gael. And he, therefore, was communicating with a physical-force man. That was the man whom Mr. Parnell was wishing to win over in order that that man might win over others. How would he win that man over? He would win him, not by combating the influence of that man, or by consulting that man, but make him a willing emissary so that the sinews of war may be taken away from the Irish Fenians. He would say to him, first, in general terms “ I am with you. I agree with you, my views are your views.” And it may well be that in the desire to succeed in obtaining this ally, there would be an expression of concurrence of views in the abstract which would not represent the same views if Mr. Parnell had been called at any moment to act upon those views. I desire to abstain from treating of the elasticity of Mr. Parnell's mind as to expression. I am going back upon nothing—I do not wish to go back upon anything I said yesterday—the subject is not an agreeable subject to be handling or discussing, and I am not going to deal with the elasticity of Mr. Parnell in his mode of expression in his endeavours to gain an end. There are other matters besides these discussed yesterday—matters that occurred with respect to Mr. Nolan or Mr. Nully's assistance to the Land League which show that Mr. Parnell sometimes uses language at least of exaggeration when he desires to arrive at a particular end. But it is not unlikely he may have expressed these views—not, of course, feeling that he should desire to act upon that resort to physical force. But here is a man who will be won by having his physical-force views appealed to, as I am expressing these matters to him in order to obtain his more sincere alliance.

I would also say, in respect to O'Kelly, that his denial has simply no meaning—in fact, that he does not remember whether he saw Le Caron or not. The result of his

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evidence is "I cannot say whether I did or did not." But this observation occurs. If Le Caron is stating what is untrue, what can be the object of introducing all the names of all those persons from whom contradiction could come. Mr. O'Kelly was a gentleman attending to his duties in the House of Commons. He was a gentleman who could contradict anything that Le Caron knew. He could contradict anything if Le Caron stated what was untrue. Why does Le Caron mention him at all, if all this is a fiction? He introduces an existing witness, a witness upon whom you would ask, from his position, to rely. He mentions him by the way, simply stating a fact, but without adding any proof of his account, and running at the same time the risk of being replied to by O'Kelly. Your Lordship will observe name after name has been introduced by Le Caron, not only through the general statement that he has made to you of American affairs, but also in relation to this particular interview, names that, when mentioned by him, could all be witnesses to refute his statement, if the statement be untrue. Let me give your Lordship an example. Initially he begins by saying, "I started on my voyage with that letter directed to Patrick Egan. I saw Patrick Egan in Paris. He talked of the necessity of bringing people into line, and Patrick Egan told me Mr. Parnell wished to see me." And if Patrick Egan told that to Le Caron, Mr. Parnell must have had some object in seeing Le Caron—an object he has forgotten, and an object which it is not unlikely would be the one I have mentioned to you.

My Lord, I have been using this man as a matter of example, this Patrick Egan. I have to ask your Lordships now to consider, not only in respect to Le Caron's testimony, but also in respect to a great deal that has been proved in this case. Why is Patrick Egan's evidence not before you at this moment? Serious charges have been brought against him by means of Le Caron's testimony. I am not over-rating, I am certain, the effect of the witnesses' testimony, whether they correctly state facts or not, when I say that they make serious charges against Patrick Egan which require an answer. They attach complicity to him of grave and heavy matter, and I am reminding you that Patrick Egan could have been a witness here, either in person, or by means of a commission to examine him. Your Lordships will not forget that at the preliminary meeting that took place before you, my friend, Sir Charles Russell, appeared as counsel on behalf of some of the respondents, and he made an application to you that Mr. Patrick Egan should be examined on commission, and he states the application he makes in these terms:—

"My Lord, in the course of this statement by the Attorney-General in the conduct of the case of *O'Donnell v. Walter*, one gentleman was very particularly named, Mr. Patrick Egan, who, I think, was said to be the treasurer at some time or other of the Land League, and as to whom it is stated—I cannot now state whether accurately or not—that he left the country (I believe it is without foundation as far as my information goes) as having been in some way implicated or in connexion with the Phoenix Park murders. That is not specifically stated, but it is so stated that one may gather it from it. It says a warrant was out against him, the fact being that a warrant was out under Mr. Forster's Act and had nothing whatever to do with the Phoenix Park murders at all.

Now, my Lord, the second point is, and from that point I think I ought to relieve myself, and that is the question of the forged letters. So far as that is concerned I think my friend would be justified in saying the importance of his evidence is passed away. There is no necessity to call him in respect to that matter—the matter my friend had in his mind. The importance still remains, that after that application is made which my friend urges pertinaciously upon your Lordship, further evidence is given against Mr. Patrick Egan. Well, my Lord, what did my friend wish? He wished that this person Patrick Egan, being a most material witness as he terms him, should be examined on commission. I think the reason he gave for his presence, though, as your Lordship sees, he would be protected by certificate, was that he was permanently engaged in the Presidential campaign in America now proceeding. Now that was in November 1888. The Presidential election has long since been determined, and now Patrick Egan, if employed elsewhere on important business, is equally able to be examined on commission. Your Lordship postponed the consideration of the application for a time, and Le Caron comes into the box and makes this statement. And it is a strange fact that the application has never been renewed. We have not

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heard one word about Patrick Egan being examined. As it has been shown to you, the evidence and testimony is most against him in relation to all his proceedings in America since 1883, when he arrived there. It has now been thought wiser, in the interests of the Respondents, that Mr. Egan's evidence should not come before the Court.

What is the explanation of that? If it was worth while for my friend Sir Charles Russell to make that application to your Lordships, why has he abandoned the application and not renewed it; and why does he allow all these things to be passed by without refutation.

(*Mr. Davitt.*) I may be allowed to make this observation. I think it was abandoned when the forged letters were abandoned by "The Times."

(*Sir H. James.*) Your Lordships will remember I specially pointed out that so far as the forged letters were concerned, there was no necessity to call Mr. Egan, but I do not recollect any form of abandonment. I had said nothing. Mr. Davitt says that is a reason. I do not know whether he knows what my friend Sir Charles Russell's reason was or not, but if he does, where is the reason with respect to the other matters Sir Charles Russell spoke to. Were the forged letters the only point to be relied upon? Was there nothing else after the evidence of Le Caron had been put in? Neither Mr. Egan nor counsel made any attempt to place his testimony before your Lordships. My friend Sir Charles Russell, who has analysed these documents of Le Caron's, has never suggested to your Lordships that they are untrue. Knowing what is in those documents, he cannot on the part of Mr. Parnell say that the evidence of Egan is immaterial, and no human being—Egan himself or anyone that cares for his reputation—can treat these matters and pass them lightly by, and say "There is nothing for me to answer." There was some answer to be made when my friend Sir Charles Russell made that application, there is far graver matter to be answered at this moment. I say at once, did Mr. Egan receive that letter of introduction from Devoy? Did he or did he not tell Le Caron that Mr. Parnell wished to see him? If he did not, why cannot he, on Mr. Parnell's behalf, say so? As far as we know, there is perfect accord still between Mr. Parnell and Mr. Egan. Why should he not step forward and say, "I will now show you that perjury was committed. It is perfectly untrue. I never said such a word." Whilst he could be examined; whilst performing any duties in any state, whether he is the representative of the United States, or whatever he may be, there would be nothing derogatory to the dignity of any one to say on behalf of a colleague that what has been asserted is an untruth.

My Lords, that is the first fact. That denial could have been given, and that denial has not been given. There are some minor matters of comparatively small importance to my mind. Mr. Le Caron says he goes to Ireland with a letter of introduction from Egan to Dr. Kenny. And, my Lords, he also says that he went into Kilmainham. Now how does Dr. Kenny meet that fact? I could, I think, dispose of anything Dr. Kenny said by placing him in almost, if not quite the same class of persons as Mr. Biggar in respect to his memory, except that Mr. Biggar was purely inconsistently negative, and Dr. Kenny was certainly often erroneous when acting on his memory. Speaking affirmatively, your Lordships will recollect how pertinaciously Dr. Kenny adhered to the incorrect statement of things when he said that Patrick Egan was not in Dublin in the years 1881 and 1882. Now, Dr. Kenny gives his evidence upon this point at page 5323:—

"Major Le Caron states that you said that you were perfecting the organisation
 "(this is about June 1881) needing a little more time, and that you said you
 "were feeding the people in prison, and that in 10 days you would have a man
 "in charge in every county?—(*A.*) I do not think I ever said anything of the
 "kind to him; I do not recollect it at all. I know there was such a man visiting
 "Dublin. The circumstance which makes me aware of it is that in tearing up
 "some cards and things I found in a box of mine last summer, long before this
 "Commission was thought of, I happened to come across a card 'Monsieur le
 "Docteur le Caron'; and I tore it up like other cards. Therefore, I assume he
 "did call on me, but I remember nothing about him, and I am sure his account
 "of visiting me at Kilmainham is purely apocryphal. (*Q.*) He says he had a
 "conversation with Boyton when no warder was present, and that you were

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“ present at the time?—(A.) That is impossible. That is not true. (Q.) It is not the fact, you say?—(A.) Certainly; it is impossible. He adds that Boyton wished him to the boys on his return. ‘They know I am sound’?—(A.) It was impossible he could be there. (Q.) You did not hear anything of the kind?—(A.) No, he never was there with me. That story is untrue. (Q.) ‘If they could not see the national spirit aroused in the country by the open movement, they would never oppose it.’ Did you bring out a note from Boyton with a photograph (page 2503)?—(A.) I have no recollection of it. I am sure I did not.”

Now, my Lords, it being admitted that he was in Dublin, and Dr. Kenny saying no more than that he does not remember him, I think we have proof of the letter that I have referred to being sent out by Mr. Boyton. All that Dr. Kenny says on further examination at page 5336, is:—

“ I have no recollection of the man, I believe that such a man did visit me.”
This is in cross-examination:—

“ But I have no recollection and cannot recall him; he is simply like a shadow.”

Well, my Lord, that is of course minimising the effect even of negative evidence, but the next page, 5337, you will find this:—into Dr. Kenny’s hands a paper is put, and he is asked:—

“ Will you tell me as to those words, ‘Please give to our friend to take to America,’—are those in Boyton’s handwriting?—(A.) They are like Boyton’s handwriting, but being written in pencil I cannot say. (Q.) You believe it to be?—(A.) I think it is. (Q.) I call your attention to the words, ‘Please give to our friend to take to America.’ Does that recall to you that Boyton asked you to do anything?—(A.) It does not in the least recall to me. (Q.) The part I folded down had got ‘Dr. Kenny’ on it?—(A.) I expected that that was there. (Q.) Is that Boyton’s handwriting?—(A.) It looks like it.”

Then a little lower down:—

“ Just look at that (*handing an envelope to the witness*). Whose handwriting is that?—(A.) The same as the other; whoever wrote one wrote the other. (Q.) You believe it to be?—(A.) I believe it, I am quite willing to believe it if you say it is Boyton’s handwriting; I believe so. (Q.) ‘Dr. Kenny from Boyton before he leaves the prison.’ Have you any doubt that it was brought to you by a prison official after you left Boyton that day?—(A.) I am quite certain that no prison official brought it to me; somebody brought it to me, but the prison officials were not in the habit of bringing me things.”

I do not enter into that question. Mr. Parnell said there were many ways of obtaining communication, or of securing communication with the outside world. I think his terms were “both above ground and below,” and it may or may not have been a prison official; at any rate, we have it that this man’s statement that he had this communication from Boyton to Dr. Kenny is proved to be true, I think, by the production of that letter which Dr. Kenny himself seems to come to the conclusion is in the handwriting of Boyton.

My Lords, there is a matter which I do not know how far your Lordships will deem it right in the present condition of this case to inquire into. But, of course, it may be said that this document ought to have been produced before. I only mention it now, and of course your Lordships will deal with it as you think right, and that is as to the Kilmainham book. Mr. Davitt says he has no objection. I have not seen it myself, but I believe that book is now within the building. I presume that the visitors’ names would be entered in it; and, of course, acting upon my instructions, I should not mention the fact to you if I did not think the name was there; and if it be there it is a curious corroboration for what it is worth—it is very collateral matter—of the statement of Mr. Le Caron.

(*The President.*) We are entitled to look at it if it is here.

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(*Sir H. James.*) May I in the meantime say that Mr. Sexton's name was also mentioned at page 5379, and Mr. Sexton's memory only goes to the extent of saying he does not recollect. Whatever it was that was alleged by Le Caron, the contradiction is only to the extent that there is no recollection by Mr. Sexton. It was a statement of Le Caron that he had seen Mr. Sexton at the Land League offices.

“There is specific matter”——

Mr. Reid said to Mr. Sexton——

“I ought to have averted to. It has been suggested that Le Caron was introduced to you by Dr. Kenny. I think there is some evidence or suggestion of that kind?—(*A.*) I saw Le Caron——(*Q.*) Did you ever know Mr. Le Caron? —(*A.*) I saw the person for the first time, as I think, in Court to-day. I have not the slightest memory of having seen him. (*Q.*) You have no recollection of having seen him?—(*A.*) Not the least. (*Mr. R. T. Reid.*) I do not know whether there was any conversation proved or alleged. (*The Attorney-General.*) He saw Mr. Sexton at the Land League offices?—*A.*) I read the evidence. I understand he swore he had a general conversation with me in the summer of 1881 concerning the affairs of the League. There is nothing improbable in that inherently.”

is Mr. Sexton's view; and therefore, my Lords, I would put it to you that it is probable that this took place, and if Mr. Sexton says he does not recollect, it is very probable. Mr. Sexton is a busy man, he sees a great many people, and he would not be likely to recollect it. I would only remind you further, with respect to this matter, that Le Caron was entertained, according to his account, by Dr. Kenny, and received by him hospitably, and it seems remarkable that, if these statements are to be regarded as untrue, that Le Caron should have vouched these people who could contradict him if he is inventing these matters. His statement as to seeing Dr. Kenny intimately occurs at page 2501. He says:—

“Whilst I stayed in Dublin I stayed at the Imperial part of the time, and I was part of the time hospitably entertained by Dr. Kenny in his house in Gardener Street.”

I do not wish to go through Dr. Kenny's evidence, but I say again that I think Dr. Kenny is scarcely, wherever his memory comes into question, to be relied upon, in consequence of his memory being so defective.

My Lords, I wish now to deal with far more important corroboration than this Irish visit. Le Caron returns to America on the 12th of June; it is proved at page 2503, and at page 2508 he says:—“That he saw the persons whom he had been asked to see.” Did he or did he not see those persons? My Lords, that depends upon his statement on the one hand, and the power of those four persons to contradict him if his statement be untrue on the other. They are persons who are, I presume, more or less willing to tell the truth and to give evidence for the witnesses of truth.

Will your Lordships think it convenient that this book should be now handed to you as it stands. [*The book was handed up to the President.*] There are three names; it is under the date of the 27th of May 1881. I think your Lordship sees it is not quite correctly spelt; it is Dr. Keli, and then your Lordship sees Boyton's name.

(*The President.*) Yes, that is to say, as the prisoners visited. Then Dr. Kell and same Dr. Kell. Then the rest is Mr. Dillon, Dr. Kell.

(*Sir H. James.*) If your Lordship pleases. Will your Lordship turn to page 2501, where Le Caron gives the date as the end of May. Your Lordship sees Le Caron, it is not suggested, had any access to this book.

(*The President.*) What is the date in the book?

(*Sir H. James.*) The 27th of May is the date in the book.

(*The President.*) I do not remember at the moment—I cannot carry all these things in my head—but I do not recollect, at the moment, any evidence of Le Caron about seeing Dillon.

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(*Sir H. James.*) I do not know, I will tell your Lordship if it is so, but it is not in my memory.

(*The President.*) Well, yes, it is so.

“ Now, were you taken to Kilmainham by Dr. Kenny?—(*A.*) Yes; the doctor drove me to Kilmainham gaol and I visited that gaol in his company.
 “ (*Q.*) Who did you see there?—(*A.*) I saw John Dillon, Michael Boyton,—”

that is at page 2502.

(*Sir H. James.*) I am obliged to your Lordship. I had no knowledge of what was in that book, and as Mr. Dillon had not been called, I only refer to Dr. Kenny's contradiction. There are three names,—Dillon, Boyton, and Sheridan.

My Lords, I am continuing, if you please, with what Le Caron did when he went to America, and I say did he see these persons or not. First he is asked—

“ Did you telegraph to Devoy, have a correspondence with him—did he see you afterwards. Mr. Devoy stated that he was willing to visit this side of the water, he could not take any official action in the matter without consulting his colleagues, that he would take immediate steps to bring together the executive body and secure action in the matter; but, if he went without, he would not speak for the organisation, but only for himself.”

That is, as your Lordship sees, the evidence as to communication with Devoy. I wish to refer you to the letter from Devoy, which corroborates this view most strongly. That letter is set out at page 2747. It is a letter of June 24th, 1881.

“ Dear Friend, I am sorry I was obliged to leave here for New York last Saturday, and consequently did not get your letter till my return last night. They would have been sent on to me, but that I was expected to return. I am much obliged for the information you give me and the interest you have taken in a matter that affects us all so closely.”

My Lord, I do not hear any suggestion from any human being that this is not Devoy's handwriting in this letter—

“ And the interest you have taken in a matter that affects us all so closely. I have not heard from H. yet——”

I think H. is the witness Hynes.

“ Yesterday I received a short note from E., urging me strongly to go over——”

(*The President.*) Who is E.?—

(*A.*) Egan.

(*The Attorney-General.*) When I have finished all the sentence, your Lordship will see it is clearly Egan, but I did not understand for what purpose until I got your explanation.

Will your Lordship allow me, it is a very immaterial matter comparatively, but at page 3841, my friend, Sir Charles Russell, inadvertently makes the mistake, and he says that Devoy did not know till he got Egan's explanation. My friend makes that mistake and relies upon it. It is exactly the contrary. This letter says, on getting Egan's letter, he did not know what that letter meant, until he got Le Caron's explanation, which is directly the converse and agrees that Devoy would not know until he got Le Caron's explanation.

“ I would like to go very much if I could spare the time, and if I thought my visit would produce the effect anticipated, but I am afraid it would not. I have no authority to speak for any body, and no man could undertake to speak for the V.C. without its consent—which it would take time to get. And none of us here could, even with the sanction of the V.C., guarantee anything for the individuals on the other side, who are hostile, but who I feel certain do not represent the opinion of the home organisation. (*Q.*) Just remember that sentence; I will ask you about it presently. There can be no change there

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“ till there is a change of persons, and that is sure to come in time. All I could do would be to tell E. and P.”

The witness says Egan and Parnell.

“ On my own responsibility, what I believed would satisfy our friends here, and make propositions that I might feel morally certain would be approved of. But I would not on any consideration have them pay my expenses. That would place me in a false position at once. I have asked advice, and if certain friends of ours here think it the right thing to do, will start next Wednesday, but at present I do not think I shall be so advised. They seem to misunderstand our dissatisfaction here. It is not with their action in Ireland, but the action they allow their friends to take in their name here. There is little difference of opinion about essential points, but we cannot tolerate the kind of thing begun in Buffalo.”

Now, my Lords, I presume there must have been scores of men who have been in this Court during this inquiry who would know the handwriting of John Devoy. That is my assumption, and it may be said upon that assumption John Devoy was a well-known man; he had been in the Fenian organisation of this country, he had suffered imprisonment in this country for his misdeeds, and he had been known to many here before he went to America; he had been known to many persons in America, and I think I am justified in speaking of a man and rightly speaking of him when I say that his handwriting must have been known; at any rate, proof of his handwriting could be obtained by inquiry. There is no suggestion against the authenticity of this letter; and if this letter be an authentic letter, if you will look at the date of it in respect to Le Caron's arrival on the 12th of June, the date being the 24th June, I put it to your Lordship that it is conclusive proof that Le Caron must have made some such communication to Devoy, as he states was given to him by Mr. Parnell to make. My Lord, I do not wish to be reiterating the same thing. “Did or did not Le Caron communicate to Devoy,” if he did, unless he was acting in the most absurd and unauthorised way without a reason, he was conveying a message. Devoy knows whether he did or did not, and Devoy is a living man, and I presume a willing man, and we have not, as I have said, out of these numerous persons who are vouched—in this very instance four persons are vouched, to whom a communication is made—not one of them comes forward to say that the communication was not made, or to contradict this man. Read this letter between the lines, and see what it means. He says here—

“ I have received a short note from Egan, urging him strongly to go over.”

That would be if Devoy's influence, which would be great, could be used to bring to life the doubting Fenians, his influence would be better used by going over.

“ I was asked to go; I did not know for what purpose until I got your communication.”

So at any rate Le Caron must have communicated with Devoy and given him something amounting to an explanation.

“ I would like to go if I could spare the time, and if I thought my visit would produce the effect anticipated.”

And so, my Lord, this visit that was suggested was not a purposeless visit; it was a visit with some effect anticipated from it.

“ But I am afraid it would not. I have no authority to speak for anybody, and no one could undertake to speak for the United Brotherhood without its consent.”

Which of course was wished to be obtained, because the United Brotherhood as a whole would stop the sinews of war, and it could not be the action of one particular man.

“ And none of us here could, even with the sanction of the V.C., guarantee anything for the individuals on the other side.”

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There is the action of the individuals, the action that Mr. Parnell was to control on the other side.

“ Who are hostile, but who I feel certain do not represent the opinion of the “ home organisation.”

Now, my Lords, what was the subject dealt with by that communication? It was the action of the home organisation, and it was to the manner of controlling this organisation. And here, my Lord, I do say that this letter, genuine as it must be taken to be, is a statement clear and distinct that at least Le Caron had made a communication to Devoy such as he said Mr. Parnell told him to make. It was said that Le Caron had made some communication and was building up a theory upon it, but it was a communication in respect to Mr. Parnell as well as Egan because there occur these words:—

“ There can be no change there until there is a change of persons, and that “ is sure to come in time. All I could do would be to tell Egan and Parnell.”

Now, my Lords, the letters of course were in initial E. and P. It may be said that those letters refer to somebody else, but no one suggests that they do. If there be anyone represented by E. and P. my friend Sir Charles Russell or Mr. Davitt or anyone who has assiduously attended to this case, could make such a statement to your Lordship, but no such suggestion has been made, no theory has been put forward, no criticism, nothing suggested in the way of other persons being referred to except Egan and Parnell, and I ask your Lordship now, reading that letter by the light of Le Caron's evidence, and reading it as a genuine letter, whether you can for one moment doubt that this man Le Caron did make this communication at least to John Devoy.

Then, my Lord, at page 2543, we again have the statement of Le Caron. Le Caron stated to your Lordship that he interviewed Alexander Sullivan, and had a conversation with him in reference to the action that had been taken by the executive body upon the proposed understanding or alliance, and he stated to him that the sanction of the executive body had been given to an alliance. My Lord, there must be some misstatement as to date there. I do not know whether it is cleared up, because the 9th June would be before the arrival of Le Caron in America, which is the 12th June. There must be some inaccuracy in the statement as to date.

“ He stated that, while the anticipated objection from some in the home “ organisation, that that was not the opinion of that body collectively, but he said “ that no radical change could be made until we had a change of representatives “ on this side of the water, which would very soon take place—as soon as the “ convention met. He stated that at the same time he was confident that the “ proposal he would make would be satisfactory to all concerned. He stated, in “ reference to going upon this side of the water himself, that so far as he was “ concerned, that he could not think, if he went, of allowing Mr. Parnell to pay “ his expenses, as it would place him in a false position at once. He said that he “ was also bitterly opposed to have this matter come up in the open convention “ that was to be convened, as it would get out, and tend very much to compromise “ Mr. Parnell and his party. He said that the whole matter should be left to the “ F. C. and the committee of foreign affairs.”

(*The President.*) Before you read it, one word about the date. It is Sir Charles Russell who says the 9th June. The witness says about the last day of June.

(*Sir H. James.*) I beg your Lordship's pardon. I am obliged to you. I was reading the question as if that had been accepted. My friend put the 9th June. Your Lordship will see that at the end of June would agree, following the 24th June Devoy's letter first submitted to the four persons then dealt with more generally. I am obliged to your Lordship.

“ He said that he was also bitterly opposed to have this matter come up in “ the open convention that was to be convened, as it would get out, and tend “ very much to compromise Mr. Parnell and his party. He said that the whole “ matter should be left to the F.C. and the committee of foreign affairs. He also

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“ stated at the same time, ‘It seems,’ he said, ‘that there is a misunderstanding
 “ on the part of Mr. Parnell and his friends as to what our complaints are.’
 “ Now while we don’t differ in any essential point, we want them to understand,
 “ though we are not finding any fault with what they are now doing in England,
 “ we want them to understand that we disapprove of what they say about us in
 “ this country, and the action taken by some of their friends at our last Buffalo
 “ meeting.”

My Lord, I dislike the reiteration of the same point; but, again, here is Alexander Sullivan, who might be able to say so, if this is incorrect, vouched, and I say not only is his absence an important consideration, but it is important that Le Caron so openly vouches men as to whom he would know whether they would give evidence or not. If there is any reason why Mr. Egan or anybody else should not come to this country, at any rate, Le Caron when he gave his evidence did not know that, and could not calculate upon their non-appearance; and we have no denial. But there is in this conversation I am now referring to matter which is important, because my learned friend, Sir Charles Russell, relied much upon the fact that in none of the circulars that were sent out after this date of June 1881, or following the convention of August 1881, is there any mention of the consideration of this subject, and my friend pressed it to the witness, and pressed it in his speech strongly, that the absence of it showed that it could not have taken place. Well, your Lordship, note what is said by Sullivan, who you will see in a short time was the controlling power of these bodies—a great controlling power. I will not say controlling so as not to be affected by the influence of other persons, but he was one of the controlling agents in carrying on these transactions. But he points out, we cannot let this be made public; we cannot let this be treated in open convention. It must be dealt with by the executive body or the committee on foreign relations, because if it is known it may injure Mr. Parnell.

(*Mr. M. Davitt.*) He is alleged to have said that.

(*Sir H. James.*) I say so. I say according to Le Caron’s evidence. Mr. Davitt’s suggestion is, that he was only alleged to have said it. I say, according to Le Caron’s evidence, he said it, and he does not contradict it.

In support of what is before you as to what Le Caron says that Sullivan stated, Le Caron gave further evidence at page 2522. Speaking of this, John O’Connor, who had come over (this is John O’Connor *alias* Dr. Kenealy), he says:—

“ The only subject mentioned was with reference to the matter in which I
 “ was interested, which had been taken up privately, and decided not to be
 “ introduced to the open convention, and was acted upon by the committee on
 “ foreign relations before whom that gentleman——

- That is John O’Connor.
 “ appeared.”

I do not know that I need read it, but there is further evidence as to what took place with Sullivan and Hynes at page 2508.

At page 2508, question 43,918, there is a statement by the witness:—

“ I had received, previous to the despatch, a letter from John Devoy, in
 “ which he first stated that he would sail upon Wednesday, the 27th. (Q.) For
 “ where?—(A.) For this side. I received a second communication, in which he
 “ stated that he could not sail, and to endeavour to secure the attendance of
 “ either Sullivan or Hynes upon this side. Then the despatch followed which I
 “ have just stated. (Q.) That you were to express yourself as freely to Sullivan
 “ as you had to Devoy?—(A.) Yes.

I am searching to see (it escapes me for the moment) from whom that despatch was. At question 43,912 there is this statement:—

“ I received a despatch from John Devoy about the time I arrived in Chicago.
 “ I had spoken to John Devoy about Mr. Parnell, mentioning the names of
 “ Carroll, Sullivan, and Hynes. (Q.) You told Devoy Mr. Parnell had mentioned
 “ those three names as well?—(A.) Yes; and I received a despatch in Chicago
 “ from John Devoy in which he ——.

Then there is a little discussion. So I understand from what was the subject of the despatch that it must have been a despatch from John Devoy. Then will your Lordship pass to the next page.

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(*The President.*) It seems to have passed without objection at least. He was to speak to Sullivan as freely as to himself.

(*Sir H. James.*) Yes. He says when he saw Sullivan he :—

“ Went over the conversation between Mr. Parnell and Mr. Egan and myself.
 “ He seemed to be very much gratified to hear the news. He thought that
 “ someone should go over, but so far as he was personally concerned, personally
 “ he said he was opposed to taking any action in the matter until the August
 “ convention. William J. Hynes was present upon this occasion. We met by
 “ agreement at the club rooms of the Irish American Club in Chicago. (Q.) What
 “ did Hynes say?—(A.) He expressed a willingness, if necessary, in the near
 “ future, that he would go over himself. (Q.) Do you remember Devoy’s going
 “ being referred to by Hynes?—(A.) Yes. (Q.) What did Hynes say with
 “ reference to Devoy’s going?—(A.) I found jealousy existing between the two,
 “ and that he was not the man to send. He thought he himself was the man to
 “ go. (Q.) He, Hynes, thought he would be a better man to send than Devoy?—
 “ (A.) Yes. (Q.) The other name you were to see last, I think you mentioned,
 “ was Dr. Carroll. Did you see him?—(A.) Yes, I saw him *en route* to Chicago.
 “ I took in Philadelphia on the way, and I visited Dr. Carroll at his residence.

Then he says what occurred there.

“ I stated in substance the same information, with a request that had been
 “ made to me to see the doctor and explain to the doctor what Mr Parnell had
 “ told me. He said he was very gratified indeed to hear what I told him, and he
 “ said that he was very glad to find a returning sense of reason upon Mr. Parnell’s
 “ part with reference to revolutionary matters, but he was bitterly opposed to the
 “ organisation forming any alliance with the open movement personally, but
 “ would be willing to abide by the decision of the Chicago Convention.”

Your Lordship will note that, although Dr. Carroll had been, as we have seen, opposed to the Irish Land League movement, he does appear at the Chicago Convention, which is a convention of Land Leaguers and others. He comes to that convention.

(*Mr. M. Davitt.*) It is Land League and others.

(*Sir H. James.*) It is Land League plus others, I agree—not pure Land League. Upon bringing this matter before the Chicago Convention, which is a step I am anxious clearly to establish was the course taken, you will see, coming back for a moment to page 2535, that Devoy coincided with the views expressed by Alexander Sullivan, in not bringing up the matter before the convention, that the matter could be satisfactorily arranged in committee; which, of course, is again giving explanation why this matter should not be mentioned publicly. The argument that my learned friend Sir Charles Russell based upon that view, you will find set out in my friend’s speech, at page 3822. It is not a very strong point, but it is one that I should like to have before your Lordship’s mind, that at a much later date—in November 1885—Mr. Patrick Egan does give to this man, Le Caron, a letter of introduction. That letter is in its terms, I think, worthy of notice, at page 2634. Patrick Egan says :—

“ It affords me great pleasure to introduce to all friends of the Irish National
 “ League with whom he may come in contact during his visit in the south, my
 “ esteemed friend Dr. H. Le Caron, of Chicago.

“ Dr. Le Caron, although French by name and descent, has ever proved
 “ himself one of the most devoted friends of the Irish National cause, and since
 “ the formation of the Land and National Leagues has been most indefatigable
 “ in promoting the good of those organisations.”

The signature to that letter is “ Patrick Egan.” There can be no doubt that somebody knows whether that is Mr. Egan’s handwriting or not, because we have it proved in this case that Mr. Egan was communicating with Mr. Labouchere. So, at any rate, there were letters of Mr. Egan in existence with which comparison could be made. My Lord, if the matter stopped there I have now to submit to you that this message was sent. The effect of it is only one step in the maintenance of the alliance between those to whom the message was sent, namely, the Clan-na-Gael and the leaders of the Clan-na-Gael, and Mr. Parnell. It is direct communication asking them to co-operate practically to the extent of supplying the sinews of war

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so as to bring the Irish dissentient Fenians into line again, and it shows that the alliance had practically become of a very certain character. Now I will show you that the action which is taken at this Chicago Convention, the date of which we are now approaching, was an action founded upon the message that had been brought by Le Caron from Mr. Parnell, and the course then taken was the course that Alexander Sullivan and John Devoy point out would be the right course to take, namely, not to make the matter public but to bring the matter before the committee where secrecy could be maintained. I think it right also to add one matter in support of the credibility of Le Caron. My friend Sir Charles Russell made it a point against the man, first, that he had never communicated with Mr. Parnell. You will recollect Le Caron's answer. He said, "No, I was told by Egan to communicate with him, and I did." There is a question whether he did or not. That is within the knowledge of Mr. Egan. He stated that he did, and Mr. Egan could have disproved it if it be not so. Another point my friend made in his speech was, "Why, how odd it is that this man Le Caron never sought to draw Mr. Parnell or Mr. Egan on?" Well, my Lord, I will admit that there is one class of informer that I think represents a very objectionable man. That is the man who, not content with devoting himself to the detection of crime so as to defeat it, will use his association with criminals to induce them to commit crime which they would not otherwise commit, and then hands them over to justice. We had, as your Lordship knows, at least it was floating matter in the history of one informer in Dublin, such allegation made, and I confess, my Lord, we can feel no sympathy, but feel the reverse, with men who cause crime to be committed in order that they may obtain the advantage of saying that they detected it. But where is the suggestion that Le Caron ever acted any such part. He was put forward prominently on account of his having obtained rank in the American army during the war of separation between North and South, and taking that prominent part, he had to act his part. Does anyone say he led people on to crime? He gives the explanation of his conduct when holding, as he said, or as it has been said of him, his life in his hand. He says I always took care to vote with the majority. Well, there are many who do that who are not urged by such a sense of personal safety; but he was following the stream, and went floating with the stream, and knew what was passing around him, and so obtained this information; but against this man it has not been suggested on the part of Mr. Parnell, or Egan, or anyone that he has ever been leading them or anyone else into crime. Mr. Davitt, who told your Lordship he had had the benefit of his medical assistance, and gave a description of the hospitality that was afforded him, does not suggest that Le Caron ever attempted to worm anything out of him or take advantage of anything which presented itself in the way of opportunity of obtaining knowledge from Mr. Davitt of what was going on amongst these men, and so disclosing it to the public.

My Lord, I have sought to add those very few facts in support of Le Caron's testimony. I have treated him as a meritorious detective, countermining the men who were undermining the safety of the English public, and preventing the commission of crime. He deserves praise. He certainly too must have further acknowledgment made that he was not one of those men whom I should term base men, who were, as I have said, urging to crime those whom they afterwards sought to hand over to the hands of justice. Now, my Lord, I seek development of this matter, and also a further disclosure of the history of American affairs in dealing with the Chicago Convention.

My Lord, this convention must be treated as a convention, I think, of a somewhat mixed character. I am dealing first with a convention which was held at Chicago. We have two conventions at Chicago. This convention I wish now to proceed with is the convention of August 1881. At page 3822, Sir Charles Russell points out that because the alliance is not mentioned in a secret report, therefore it was not considered.

(*The President.*) Yes, it would be necessary that it should in some shape or form be communicated so that those friends might act upon the instructions or act upon the hint.

(*Sir H. James.*) Sir Charles Russell, says:—

"That circular in all conscience is long enough, goes into detail enough, but
"is utterly and absolutely silent upon the one cardinal point."

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Now, my Lord, passing to this convention at Chicago, which is the secret convention of the Clan-na-Gael (there is another Land League in the same year, but this is the secret convention of the Clan-na-Gael in the same year), I would introduce the action of that body by referring you to an explanation of what it intended to do as given by Le Caron at page 2488.

(*Mr. Justice A. L. Smith.*) Is this the 3rd August convention?

(*Sir H. James.*) Yes, the 3rd August 1881.

(*Mr. Justice A. L. Smith.*) Was that at Chicago?

(*Sir H. James.*) Yes. On this, page 2488, there is an account given of a conversation with two men, John Devoy and Alexander Sullivan. John Devoy's is at the head of the page. It does not seem to have accuracy of date attached to it, but it follows certainly after November 1880. Then it proceeds:—

“(Q.) Now just tell us what the conversation was, with reference to anything

“proposed to be done, that you had with John Devoy prior to that circular?”

Therefore I think this first conversation had a very early date comparatively. Still, it does affect the question.

“(A.) I could not divide the conversation for each interview at this date.

“(Q.) Well, tell us what passed between you and Devoy with reference to the

“action?—(A.) During the series of days that I spent with Devoy—— (Q.) How

“long did you spend with him?—(A.) Some four days at this period of time;

“he informed me that it was contemplated by the organisation to inaugurate a

“new system of warfare—cold-blooded murder, the destruction of property.

“(Q.) What organisation?—(A.) Our organisation ——”

This is the Clan-na-Gael—

“to which he and I belonged, a warfare that would be characterised by all the

“rigours of Nihilism. (Q.) Anything further?—(A.) He spoke of the condition

“of the organisations in Ireland; that while the executive of the I.R.B. were not

“in favour of inaugurating a movement of this kind, yet it would be a very

“difficult matter to restrain the fire-eating element, who would be very likely,

“when evictions commenced, to attack some of the flying columns in portions of

“the country where the organisation was powerful, mentioning particularly the

“county of Mayo, where he stated the organisation was more powerful than in

“any other part of Ireland, and it would result disastrously to those engaged.

“He also stated that the movement that was then being inaugurated by

“O'Donovan Rossa was alienating from our organisation some good men whom

“it was desirable to keep, but could not be kept without active operations were

“commenced.”

(*The President.*) It would appear from the context that Devoy was not saying that something which he regarded as objectionable—namely, cold-blooded murder—was being contemplated.

(*Sir H. James.*) No.

(*The President.*) Yes, I think so, because he says O'Donovan Rossa's views were alienating some good men.

(*Sir H. James.*) But O'Donovan Rossa's are not their views. I endeavoured to make that clear to your Lordship.

(*The President.*) There is so great a similarity between them, I should have thought so.

(*Sir H. James.*) The point of difference is this. As your Lordship will see, by the statement of the circular, O'Donovan Rossa was always anxious to blow up the ships sailing from New York to England.

(*The President.*) That is the construction of cold-blooded murder.

(*Sir H. James.*) The other is the destruction of property.

“He informed me that it was contemplated by the organisation to
“inaugurate a new system of warfare—cold-blooded murder—the destruction of
“property.”

Your Lordship will see the reference to destruction of public buildings in England which we come to in a short time, and there was a destruction of property. This man may describe the destruction of property as cold-blooded murder.

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(*The President.*) Placing those two passages in collocation with one another, I drew the inference in reading them that was what he referred to as objectionable, and I should say from the language it looks more likely, a man does not begin by saying they propose to institute a system of cold-blooded murder. That looks condemnatory.

(*Sir H. James.*) Yes, I do not know whether that is Devoy's or not. I think that is Le Caron's. He explains that.

(*The President.*) If it is his inference it would be an inference drawn from the use of the words "destruction of property."

(*Sir H. James.*) Yes.

(*The President.*) And that would only indirectly lead to loss of life in the same manner as the ordinary dynamite explosions which took place here. They were not intended to destroy life. They were intended, I suppose, to blow up property regardless of whether they destroyed life or not.

(*Sir H. James.*) They were intended to destroy buildings with people in the buildings. But, really, I am much obliged to your Lordship. I quite see there is doubt about these words. They are words which may have two constructions, and I will not press my view.

(*The President.*) I only gave expression to what was passing through my mind at the moment. I did not say you could not alter it.

(*Sir H. James.*) I am much obliged to your Lordship. I really think, whether he was agreeing with or taking objection to O'Donovan Rossa all through, you will find Devoy goes into the policy afterwards. He certainly was not a man to object to extreme measures.

(*The President.*) My eye also falls upon some expressions which fell from me at the time, from which it would appear that a similar current of thought was running through my mind:—

"If I understand you, this is your summary of conversations which passed
"between you and Devoy during several days."

I thought it was only collecting his opinion.

(*Sir H. James.*) It was a summary only, and, therefore, it may be "cold-blooded murder" were the words that Le Caron applied to "our organisation." The words are "the conduct of our organisation."

"He informed me that it was contemplated by the organisation to inaugurate," that would not be O'Donovan Rossa. At this time O'Donovan Rossa was away from the organisation. I ought to make this observation subject to what the date of this conversation with Devoy was, for I could not quite gather it. But as to Sullivan, there is no doubt. At the bottom of the same page, if you refer to it, he speaks of a conversation, at the beginning of 1881, with Sullivan.

"The beginning of 1881, yes. Alexander Sullivan told me that it was the
"intention of the revolutionary organisation to inaugurate a species of active
"warfare upon this side of the water;"

That is the English side;

"to attack the enemy secretly and silently wherever the opportunity might
"present itself; that the organisation upon this side of the water, from some
"lack of courage or leaders, could not be depended upon. (*Sir C. Russell.*) That
"is on the English side or the Irish. (*The President.*) He plainly means on this
"side of the water, as regards the Atlantic. (*The Attorney-General.*) You mean
"not in America?—(*A.*) I mean with reference to the organisation—that
"operations would be directed from the United States side; that the matter was
"in good hands, but it would take time to complete. (*Q.*) Anything more with
"Sullivan?—(*A.*) Not at the moment."

Then he speaks of a conversation with Meledy and Colonel Clingen.

Now, my Lord, I wish to show to you what was done at this Chicago Convention. The circular is put in in Le Caron's evidence, at page 2545. First, before reading the circular the evidence of the witness establishes as to the Foreign Relations Committee,

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which is the same as the Committee on Foreign Affairs, that the envoy, John O'Connor, attended. Then it proceeds at the bottom of the page:—

“ The National or Skirmishing Fund has attracted the attention of a large number of our people for some time past, and much anxiety is unquestionably felt among our members as to its present condition, standing, and prospects. This anxiety has arisen chiefly from the public attacks made by ——— on the trustees, and from damaging statements industriously circulated by men who are not in a position to speak on the subject. In order to set this matter at rest, and to place the fund before our members in its true light, the executive body appointed a committee to investigate the accounts of the trustees, and report the exact condition of the fund. The committee, owing to various causes, had not finished its work at the time of our late brother Z's death, and we are thus deprived of the results of his exhaustive and impartial examination. At the last meeting of the executive body another committee was appointed, and the result of this last investigation is given in the report which is herewith presented.

“ On the subject of retaliatory measures against our enemy, there is unquestionably much dissatisfaction throughout the United Brotherhood, but very little real knowledge of the situation, and none whatever as to the difficulties that stand in the way. It is much easier to talk of this kind of thing here in America than to bear the consequences of it in Ireland, and we have had a great deal of light and reckless talk during the past few months. The executive body and the trustees of the National Fund were practically unanimous in the belief that coercion in Ireland should be met by retaliation in England, and money was voted by both bodies to carry out certain work deemed necessary at the time.”

The Skirmishing Fund now and the executive body of the Clan-na-Gael are very close together. We know the objects of the Skirmishing Fund. Now we learn what were the views of the Clan-na-Gael.

“ Our friends at home, however, set their faces against the carrying out of these projects, and their right to decide a question where their own lives and liberties were at stake, as well as the interests of their own organisation, of which they are the proper judges, must be acknowledged. They are only in favour of such measures in the last resort, and emphatically deny that that stage in our movement has been reached, or is likely to be soon. The people at home, they claim, must be armed first, and our people in England placed beyond the chance of massacre by the English people, before any aggressive movement can be ventured on with the slightest chance of success.”

I do not know where the stop comes, but there is no stop there.

“ Your committee on foreign relations will have an opportunity of thoroughly investigating this matter and it is one that must be decided by evidence, not by random statements or heated feelings. On this, as on all other essential things, the organisation at home and here must have a fixed and settled policy, and if our movement is to continue on the path of progress on which it has entered, no individual or group of individuals must be allowed to bring it within the danger of shipwreck by schemes that have not the sanction of our governing body. This convention is the place to discuss and settle our policy here in America, but we must never forget that on our brothers in Ireland and England must fall the onus of the work, and we cannot and must not ignore their deliberate decisions.

“ Hoping your deliberations will result in settling the many vexed questions that await solution at your hands, and that we may be permitted to live to enjoy the blessings of the holy work in which we are engaged.”

Of course I am reading that as it exists there. There seems to be objection from some in England and Ireland to that work being carried out at that time. The reason for that objection is not stated as any objection to it on principle, and on account of the sinful character of the act, but it is that “ people at home must be armed first, and

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our people in England placed beyond the chance of massacre by the English people." Those are the two considerations.

Now, my Lord, I must read on in the evidence, if you please.

"(Q.) I just note this in passing, with reference to the further evidence on page 15, that 'the Committee on Constitution be instructed to amend in such manner as will preserve the present form of district organisation while restricting the executive to a body of not less than three nor more than seven members.' Was the executive altered at that Secret Convention of the Clann-na-Gael?—(A.) The constitution was so altered. (Q.) What was the number reduced to of the executive?—(A.) Six. (Q.) Who was the president?—(A.) Alexander Sullivan, of Chicago. (Q.) Is that the Sullivan we have referred to before?—(A.) Yes. (Q.) Did that put Sullivan in a more prominent position, or give him more power than any other president, or the same?—(A.) Greater power than any other president had ever possessed. (Q.) Do you know who were the other five?—(A.) In my report of the convention I have mentioned two names. (Q.) At page 25 your Lordship will find:—'The Finance Committee presented a report on the S. F.'—that is Skirmishing Fund you will find from later evidence—'I offered the following.' Let me ask, I see all through this document it is signed by numbers, and numbers preceding letters. Are those the numbers that represented the delegates?—(A.) Yes, this is the first convention of the organisation where it was determined, as we would be shortly engaged in a different kind of work, that it was necessary to have greater secrecy, and during this convention no one, no delegate, would afterwards—no one there—was known in any way by name, but only by number, therefore you will notice that only numbers appear in the official proceedings. (Q.) What was this other kind of work that you were to be engaged in? (Sir C. Russell.) To be 'shortly' engaged in. (The Attorney-General.) What was this other kind of work you were shortly to be engaged in?—(A.) A dynamite campaign decided upon by the delegates of that convention."

My Lord, there is a positive statement that at this convention they determined upon a dynamite campaign. They proceed here with that which I have already read to your Lordships, namely, a report by the committee on foreign relations (page 2547).

"The envoy from the supreme council having reported to us that our brothers have established a special department for instruction in engineering, chemicals, draughting, and mining, and other branches of the higher and technical departments of warfare suitable to the advancement and inventions of the age, we earnestly recommend the like course in the United Brotherhood."

And there is something else, too, which is material. Then it proceeds—

"At page 27. That it is the sense of this convention that both branches of the Revolutionary Directory in so far as they can give their time and energies to it, should devote them to the work of revolution; and that if such bodies cannot give their approval to public movements they are intended to promote the political and social regeneration of Ireland, when they are supported by a large proportion of the Irish people, they will at least refrain from antagonising them; and that members of the Irish Republican Brotherhood and United Brotherhood should not arbitrarily be prevented from exercising liberty of action in regard to such movements."

Then there is a further resolution of the military committee.

"While not endorsing the manner in which skirmishing is at present carried on, we still recognise that the principle of retaliation for the cruelties of a bloodthirsty tyrannic enemy is perfectly defensible; and we think that such steps should be promptly taken as would bring this principle into active operation. To this end the wishes of the men at home should be consulted, and business commenced as soon as their consent could be had."

Then there is a further circular under date September 1st, 1881, given at page 2554. I am dealing with the documents, but there is the oral evidence of the witness on this point which is also very material. Will you allow me to refer, before I go to the

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circular, to page 2552? Your Lordship admitted the evidence with regard to O'Connor. The witness was asked what was said with regard to the envoy, John O'Connor, and he replied:—

“The only subject mentioned was with reference to the matter in which I
“ was interested, which had been taken up privately, and decided not to be
“ introduced to the open convention, and was acted upon by the committee on
“ foreign relations before whom that gentleman appeared.”

That is the matter upon which he had come over. Then we have John Devoy's views coinciding with Alexander Sullivan. There is also (I may have to refer to it) the statement that at this time he saw James F. Gallagher, and he also saw Mackay Lomasney. This is at page 2554. Of course, though I am far anticipating the time, you will see that Mackay Lomasney was there at the time of this convention. He is the unfortunate man who was last seen by Le Caron at Chicago in 1884, two days before he left the country, to come to England. He saw him two days before Lomasney left. He has disappeared from that time, and this man says since he has disappeared he has left behind him his family, and he says it is believed he perished in the London Bridge dynamite explosion with his brother Michael. That was later on, but at this time Lomasney and Gallagher were both at this convention of the Clan-na-Gael. Then comes the circular of September 1st, 1881. It is a signed official circular from the usual officers of the Clan-na-Gael, and I ask your Lordships' attention, if I may do so, with great respect to the terms of this circular, showing the distinction I have been urging upon your Lordship, between O'Donovan Rossa's dynamite policy and these men's dynamite policy. The first passage which is material is at the bottom of page 2554.

“The spirit of the convention which prompted this change ”

(which is in the details of local discipline and organisation)

“ was one in favour of active measures, and your new executive body desire it
“ to be understood distinctly that they are in earnest, hearty accord with that
“ spirit.”

Your Lordship will recollect that the body has been reduced to few in numbers. It is numbers, not names; so that they may be kept secret.

“The disposition of any five men, however, will not put a nation on a war
“ footing. Unaided, that disposition will go but a short way towards enlarging
“ our organisation, increasing its usefulness, preserving its discipline, and making
“ the home organisation effective.”

Then, passing some immaterial paragraphs, it speaks of its numbers.

“The executive body does not mean by this that it will not seek advice, or
“ that it will not gladly, thankfully, receive suggestions. But in the very
“ nature of things, with an organisation not having 14,000 members and not
“ having 100,000 dollars at its command, we cannot be expected to adopt every
“ suggestion made to us, nor to put in force every plan recommended to us. It
“ must also be borne in mind that we are but a part of the movement.
“ Our sister organisation, allied to us by treaty and by common hopes and
“ purposes, must of necessity be consulted before certain measures can be put in
“ force.”

Then on the next page there is a statement that advantage is to be taken of the spirit to establish a special arms fund in each camp, and then towards the end of this circular we now come to this important matter (page 2557):—

“Do this and your executive body pledge you that they will lose no time
“ nor indulge in any sentimental scruples in putting your means to use, while at
“ the same time doing nothing to forfeit the respect of the civilised world, nor to
“ alienate the friendship of those whose friendship we need for success as well as
“ for the upholding of our own consciences.

“We will not butcher the wives and children of those by whose side we
“ fought for liberty, and who generously gave to save us and ours from want

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[Continued.]

“ when England intended by a repetition of her infamous '47 policy to turn a
 “ trivial failure of crops into an artificial famine which would consign millions
 “ to paupers' graves.”

My Lord, may I ask who was it who fought for liberty side by side? They were the Irishmen and the Americans who had been fighting in the American war of separation. There had been no other fight in which Americans and Irishmen had fought side by side. When therefore it is said “ We will not butcher the wives and
 “ children of those by whose side we fought for liberty and who generously gave to save
 “ us (the Irishmen) from distress,” it is speaking of Americans, and it was referring to the butchery of women and children, who if they sailed on English vessels with an English flag, if that vessel was destroyed, would perish, and that was O'Donovan Rossa's policy, as I pointed out to your Lordship.

“ The executive body has no delicacy or sentimentality about how it will
 “ strike the enemy, or when and where.”

My Lord, that is not constitutional action; that is not Parliamentary obstruction. That striking the enemy is striking it by physical force, and there was no delicacy felt by that body as to where they should strike that enemy, whether by blowing up public buildings, or not.

“ But it would be false to the trust imposed upon it if it permitted the cause
 “ of a nation to be bedraggled in the mire, and to become the companion of the
 “ mere faction, freebooting, and butchering schemes which disgrace the existence
 “ of peoples whom we might name.”

We know that O'Donovan Rossa with his schemes was ready for anything as Patrick Ford. And those were the schemes which of course would cause these people to be bedraggled in the mire to which they object.

“ We mean war upon our enemy. We mean that war to be unsparing and
 “ unceasing. We mean it to be effective. But we also mean to win with liberty
 “ the respect of the civilised world. To give effect to this meaning, brothers, we
 “ again beseech your loyal, energetic, immediate aid.”

Then the postscript says:—

“ A majority of the entire Revolutionary Directory to whom the above was
 “ submitted beg to assure their brothers that they heartily endorse both the
 “ sentiment and the recommendations of the circular, and assure you that they
 “ are working in perfect harmony with the new executive body.”

Now, my Lord, taking that circular as a whole (I have not read it, but I ask you, if you will allow me to do so, to consider almost every sentence throughout it and its terms) here is a statement of open warfare—distinguished from constitutional action—an open warfare which your Lordship will see in a short time was carried into effect in this country, but only different in degree from that which according to the standards of these peoples' views would affect the civilised world, namely, striking unnecessarily against innocent people when there was an opportunity of striking as effectively against people who were regarded as guilty in relation to the Irish people. My Lord, there is confirmation of what I am saying to you to be found at page 3939. It was matter which was put to Mr. Parnell in his cross-examination. This appears in “ United Ireland.” It states that—

“ A meeting of Irish national representatives has been held in Chicago. The
 Rev. George C. Betts, St. Louis, was in the chair.”

That, my friend said, was a Presbyterian clergyman, but he was a Clan-na-Gael man, and a very strong one.

(Mr. Davitt.) This is not original matter in “ United Ireland.”

(Sir H. James.) I think it is. It says:—

“ There were present, under aliases, delegates from Dublin, Glasgow, Cork,
 “ and several cities of England. The first day was devoted to selecting a
 “ governing body, which is to prescribe the future mode of action, and call a
 “ convention of Irishmen from all parts of the world in some locality, the name

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[Continued.]

“ of which is not yet divulged, in order to promote the cause of Irish
 “ independence. The delegates agree in stating that they do not represent the
 “ dynamite idea, but are willing to use even that against the actual army of
 “ occupation in Ireland. The account adds that the delegates declare that none
 “ of the English Royal family have be singled out for destruction.”

Then there is this further :—

“ Chicago, Friday. The newspapers of the city all declare positively that in
 “ the conclave of the Irish national party there is a section responsible for the
 “ manufacture of the infernal machines discovered at Liverpool, and that this
 “ section is now engaged in maturing measures for extending the distribution of
 “ dynamite. It is further stated that the leading members of the party have held
 “ a meeting with the object of taking steps to dissociate the Irish name and nation
 “ from the schemes of O'Donovan Rossa.”

That is a proposition I have submitted to you :—

“ It was reported that a delegation of priests waited upon them on that
 “ occasion, and adjured the conclave to adjourn immediately and desist from
 “ plotting; and their representations produced no effect.

“ The ‘ New York Times ’ says the Irish Convention at Chicago is a meeting
 “ of the Irish Revolutionary Brotherhood. Its primary object is the revival of
 “ Fenianism in order to free Ireland by physical force. Among the methods
 “ advocated were desertion from the British army, the enlistment of patriots in
 “ the navy for the destruction of ironclads by dynamite.”

My Lord, I quite feel that that statement appearing in the newspaper does not prove the fact at all. It is simply a statement or notice that is given at the time, and upon a higher grade of evidence in relation to effect, I now have to call your attention to what I say is the *bonâ fide* and correct statement that was made at the time, by Le Caron, in his report to the camp at Braidwood, and which your Lordships will find beginning at page 2745. This is very short. There is a very short summary of the matter. There occurs a list of districts.

Then it concludes :—

“ Charles Hickham, John O'Leary, and all who are in office for personal
 “ reasons or past services, will have to make room for more active men. In
 “ point of numbers it was the best attended convention ever held of the United
 “ Brotherhood.”

Then comes this question :—

“ Now you have been asked in connexion with that, what was the discussion
 “ about dynamite at the convention which you officially reported in those general
 “ terms as a ‘ dynamite movement we all firmly believe in.’ I do not want to
 “ go into general detail. I want to know the kind of discussion that took place
 “ at this secret convention about dynamite, as to which you have been cross-
 “ examined by Mr. Reid?—(A.) Both in discussion and in private conversation?
 “ (Q.) Keep to the discussion please? (A.)—That a secret warfare—I do not
 “ know that it was ever particularised as dynamite—dynamite was mentioned,
 “ but a secret warfare of the character I have mentioned was in open discussion
 “ almost unanimously defended at that convention. (Q.) Now it has been
 “ suggested, I think, by both my learned friends, Sir Charles Russell and
 “ Mr. Reid, that the only dynamite party was the O'Donovan Rossa party; is
 “ that so?—(A.) Outside of the United Brotherhood. (Q.) I am speaking of
 “ that; but was there a dynamite party in the United Brotherhood, quite
 “ independently of O'Donovan Rossa?—(A.) O'Donovan Rossa at this time had
 “ an organisation of his own, and was not in the United Brotherhood. (Q.) Then
 “ the dynamite party to which you were referring in the United Brotherhood
 “ was not the O'Donovan Rossa party?—(A.) It was not.

Then Mr. Justice Smith says :—

“ When do you say the United Brotherhood started?—(A.) The first inception
 “ of any secret organisation occurred in the year 1869—after 1869.”

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[Continued.]

One quotation perhaps you will allow me to place before you. It is at page 5245. That refers to an interview with Patrick Egan in Paris, very shortly after the holding of this Clan-na-Gael convention, in Chicago, in August 1881. It is contained in the "Irish World," and also in "United Ireland." It must be taken for what it is worth, I admit.

" Paris, Oct. 26, 1881.

" (*Correspondent.*) You recently hinted to me that ere long an important Irish movement would be heard of in America. What is the exact nature of the movement?—(*Mr. Egan.*) I cannot tell you exactly, but there will be such a movement. (*Correspondent.*) Do the American Leaguers contemplate union with the Irish Nationalist party?—(*Mr. Egan, hesitating.*) All Irish parties will be united now. (*Correspondent.*) By your going over to other parties, or their going over to you? Mr. Egan had no opinion ready on this point. After a pause, however, he continued: By declaring the League illegal, the English Government has cut the constitutional ground for agitation from under our feet."

Then, according to this, the correspondent takes the alternative as being an appeal to arms, and says:—

" What can you do but appeal to arms, and how can that help you, as you have no arms?—(*Mr. Egan.*) No appeal to arms is intended."

My Lord, according to this statement, the constitutional movement being cut from under the feet of Mr. Egan and his colleagues, the appeal to arms not being intended, there was in America at this time a third course being taken and contemplated: that was the dynamite campaign, the effect of which we shall find in subsequent years, 1883 and 1884 especially.

Adjourned till to-morrow at 10.30.

3382. Second ruling: President
 3396. again some ruling on point.
 Extracts from Irish World
 6357 - Davitt on J.W. Skinning Fund maxims.
 6338 " on article in J.W. about its connection with S.F.
 3329. on dynamite. Was this "Transatlantic" or Editor.
 3359. Transatlantic again. 10 July '80
 3361 Per J.W. " " " " " "
 3369 9th Oct. '80 "Transatlantic" on the money from S.F.
 3371. Name of it.
 3281. Reid refers to Parnell & crime extracts from J.W.

James concludes his reading of extracts.

201 of Blackrock re Freeman's reference to J.W. dynamite propaganda.

X (See if Freeman did contain this reference to the Irish World X.

James comes to Land Act 1851.

- 3720 Russell quoted on this Act.
 5. U. "Ireland" on the use to be made of the Land Act.
 4036 Russell on effect of the Land Act.
 3754 Russell on effect of the Land Act.
 3380 Parnell Egan letter on Act.
 4102 Dillon on Act.
 5247 T. P. on " "
 3331 Parnell " " " " " "
 3649 - Russell on evidence of (John Bright?) in 1852

X On administration of Justice in Ireland X

182 Speeches. Biggar at Castle Island. "Defending the prisoners?"
 fair trial for those who commit outrage.

2402 Daly, Mullin's evidence

42550 et. seq.

- 5347 Dr. Kenny proving defence prisoners.
 5348 money to Daly for defence.
 4802 Justice Boyd murder trial. Prisoners acquitted
 4556 Fr. White on case.
 2402 Daly's instructions.
 2405 " Summary his evidence.
 2390 Lights defending prisoners
 2820 Creigh
 2819 " proving defence throughlights

* Discussion about what Daly said on "murder" cases. *

2822

4471 Mr. Inverney's evidence.

6253 Phillips on letters.

4133 } Pinnell on documents.

6234 Moloney, Denis Parnell's Statute abt destruction of documents
by M.

* Mentions Joe Quinn & Campbell as not having
been called as witnesses *

Swells upon insufficiency of L.L. books produced.

3484 } Hardcastle on a/c's

3483 } £261.209 - 10 Nov. 79 to Sept. 1882

£102.384 off. fund

70078 Relief Fund

75355 Ladies L. League

} Law League Funds

~~3484~~ 3526 Hu Pans audit - Yans a/c.

James 8th May
 "Uncorrected Proof."

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1.

Thursday, 14th November, 1889.

(*The Attorney-General.*) I understand, my Lords, that the gentleman from the bank is here. If your Lordships wish I should ask him one or two questions, I will do so. There has been no affidavit, and the consequence is that we are not quite sure as to the disclosure we have had.

(*The President.*) Very well.

MR. WILLIAM GEORGE SIMM recalled; further examined by the Attorney-General.

98,159. I think you have been here before, have you not?—Yes.

98,160. What is your position in the bank?—Secretary.

98,161. Of the National Bank?—Of the National Bank.

98,162. Were there any accounts at Dublin in the names of any of the parties charged here?—That I cannot tell you.

98,163. Who can give us the information?—The Dublin staff could.

98,164. What is the name of the gentleman who could give us the precise information upon that?—The general managers in Dublin.

98,165. You can give us the names of those gentlemen, I presume?—Mr. Marney and Mr. Kirwan are the joint managers, and Mr. Hennigan is the chief ledger clerk.

98,166. I will ask you to write those names down and give them to Mr. Cunyng-hame, please. Were they the managers in 1885?—Yes.

98,167. And prior to that date?—Yes.

98,168. Can you tell me what accounts there were at the Charing Cross Bank?—I cannot.

98,169. Who can tell us that?—Mr. Miller, the manager at Charing Cross.

98,170. Is he here?—No.

98,171. You are not able to tell us whether or not we have had discovery of all the accounts at the Charing Cross branch—you are not able to tell us that?—No, I cannot.

98,172. If an account is opened at any branch, is there a return made to any of the head offices. Suppose an account was opened at Charing Cross—is there a head London office?—Yes, at Old Broad Street.

98,173. Is any return made to Old Broad Street of the opening of an account at the Charing Cross branch?—Yes, in the abstract of the date.

98,174. You come from Old Broad Street?—I do.

98,175. Are you not able to tell me, from the information at Old Broad Street, what accounts are opened at Charing Cross?—No.

98,176. Have you not got the information at Old Broad Street?—It is only in the abstract; it is sent forward once a week.

98,177. A weekly return?—A weekly return.

98,178. Have you not got those weekly returns at Old Broad Street?—Of any particular date?

98,179. I am speaking of the years 1882 to 1886, inclusive?—I cannot say whether we have the abstracts now.

98,179a. You commenced an answer by saying, "For some reason"—what were you going to say?—No, I did not.

98,180. I understood you to begin by saying, "For some reason——"?—No.

98,181. Will you just let me understand. Have you got the abstracts at Old Broad Street of the earliest of the accounts of customers of the years from 1882 to 1886?—I expect we have.

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WILLIAM GEORGE SIMM.

98,182. Are they not here?—This is the Dublin return.

98,183. Will you be good enough to produce, either to Mr. Soames or Mr. Cunnyng-
hame, the book which will show the accounts at the Charing Cross branch during
that year—the abstracts for the year 1885 that were sent to Old Broad Street?—
Yes.

98,184. Now, if you please, about Dublin. Which is the head office in Dublin?—
College Green, in the city of Dublin.

98,185. Are similar returns made to the College Green office in Dublin?—The
same.

98,186. That is to say a return which shows what accounts are opened at the Irish
branches?—At the Irish branches at Dublin.

98,187. Anywhere else in Ireland?—Every branch returns its own separate and
distinct.

98,188. To what offices are those returns made?—To 13, Old Broad Street.

98,189. Then at Old Broad Street you have also got a return of all the accounts
opened in Ireland?—Certainly.

98,190. For the corresponding year?—Yes.

98,191. Will you be good enough to produce them to either Mr. Cunnyng-
hame or Mr. Soames?—What?

98,192. The return which will show the accounts opened at the Irish branches from
the years 1882 to 1886 inclusive?—We have got 86 Irish branches.

98,193. As I understand, abstracts are sent showing the accounts that are opened
at all these branches?—Yes; those are in existence at Old Broad Street.

98,194. Is 1885 in existence?—Yes.

98,195. As far back as you have got?—Yes.

98,196. Can those books be produced in the course of the day either to
Mr. Cunnyng-
hame or to Mr. Soames?—Yes.

(*The Attorney-General.*) I think probably it would be better to save us trouble, since
certain correspondence has passed, if that took place before Mr. Cunnyng-
hame, and then your Lordships would be in a position to get official communication about it
if the witness will make arrangements with Mr. Cunnyng-
hame.

(*Mr. Biggar.*) There was an undertaking given by the representatives of the “Times,”
that they would not ask to see the personal private affairs of the different Members
of Parliament, and I submit, my Lords, that the National Bank should not be asked
to give the separate personal account of the different Members of Parliament. I know
that, by some legerdemain on the part of Mr. Soames—

(*The President.*) Do not use any expressions of that kind. Make your observations
without offensive remarks of that kind.

(*Mr. Biggar.*) I know, for example, that two purely personal accounts, which had
nothing whatever to do with this inquiry, were looked into, and what I would ask
your Lordships to do, is to order that no one but Mr. Cunnyng-
hame alone shall see
those accounts, and that he should make any report he chooses to you, but that
Mr. Soames, who, of course, represents a political party, should not have an opportunity
of seeing these documents.

(*The President.*) Mr. Cunnyng-
hame, I imagine, must have the assistance of someone
upon the one side and on the other, and I should have thought it better that you,
Mr. Biggar, who say you are interested in the matter personally, should attend, and
the instant you see that there is any possibility of trespassing beyond the line which
you say has been assented to, then Mr. Cunnyng-
hame would stop it. Of course he
must have assistance.

(*The Attorney-General.*) I only think it right to say that as soon as anything appeared
to be of a personal nature no further investigation of the account was gone into.

(*The President.*) As far as it has come to my knowledge there has been no endeavour
to pry into the private affairs of any person; indeed, I think the matter has been
treated with great liberality.

(*Mr. Biggar.*) My Lords, I might remark that when the manager of the Charing
Cross branch was here, the only questions asked by the Attorney-General of that
gentleman were two questions which referred entirely to private affairs and nothing
else.

(*The President.*) Well, it has always been stopped by counsel, and by us, when it has
occurred. But it is to be remembered that this inquiry rises entirely out of commu-

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SIR HENRY JAMES.

[Continued.]

munication volunteered by Mr. Biggar, and I have no doubt very properly volunteered by him. Of course it is necessary to make use of that communication, and those accounts which he himself stated were in existence, and which have not been referred to, must be examined to see what their character is. The instant it appears they are of a private character, they will not be made use of.

(*Mr. Biggar.*) But I might remark, the statement that has been made is directly contrary to what I have told Sir Henry James.

(*The President.*) I must leave that for you to discuss with Sir Henry James

(*Sir H. James.*) My Lords, continuing the consideration of the proceedings at the Chicago Convention in 1881, I would refer to page 2548 with your permission. You will see on that page the resolution which was arrived at by the Convention—I presume in its general capacity:

“Resolved: That it is the sense of this Convention, that while we do not
“dictate to the executive body, whatever action they may inaugurate, however
“decisive, it will meet the full approval of the delegates present and the executive
“body at large.”

That report, I believe, was written by Mr. Reynolds. Whatever it may be, it was the resolution arrived at by the Convention, and is different to the resolution arrived at by the military committee following the one I have read at page 2548. There is also the oral testimony that follows on the same page as to the evidence of O’Meagher Condon of Washington, followed by William Mackay Lomasney, who was to have been returned envoy from that country at that Convention. Then General Millen, whom your Lordships will recollect we heard of as being in Ireland in December 1878, or the spring of 1879, is also present; and the evidence on that point is—

“Condon commenced by making an attack upon the revolutionary directory
“for their inactivity during the past two years. He mentioned some plans which
“himself and others had placed before the revolutionary directory, which were
“feasible and could have been made a great success. (*Q.*) What sort of plans?
“(*A.*) Fitting out of armed cruisers. The rescue of Michael Davitt; I believe
“he was in gaol in this country at the time. The fitting out of an expedition
“to South America in some little place that the English have occupied without
“claiming any right for a number of years; I forget the name. It is a very
“small piece of territory in South America. The members of the revolutionary
“directory defended their action and the discussion ensued *pro* and *con*, and the
“voice and sentiment of the Convention was eventually expressed in the resolution
“passed as you have just read.”

That is the one I have just read, “It is whatever steps they may take,” and so on. Will you also note that at this Convention, the Clan-na-Gael, the report of the Skirmishing Fund, the character of which we are now fully aware, is received and considered. That occurs, you will see, at page 2549. Amongst those accounts is a new submarine vessel lent to the executive body. Rossa’s defalcations are also mentioned. I assume before the Skirmishing Fund passed into the hands of O’Donovan Rossa to the trustees, money had been received by him. And, of course, one has to observe, knowing the character of the Skirmishing Fund,—the report being submitted to the Clan-na-Gael, and being considered by them, and the accounts audited—it seems to show that the Clan-na-Gael was exercising supervision over the Skirmishing Fund, and that the Clan-na-Gael regarded the Skirmishing Fund as a sort of a parent society.

My Lord, I have collected all those things I have to say to you in connection with the autumn of 1881 in America, marking the date—I am now leaving the consideration of American affairs in the month of September 1881—and I will, with your permission, now return to the consideration of what had been passing in Ireland during the year 1881, especially during the summer and autumn of that year.

The principal, or one at least of the principal matters I now desire to direct your attention to, is the new weapon that was brought into existence by the Land League leaders in Ireland in the month of August 1881. By that term, “the new weapon,” I mean the press—the acquisition of newspapers for the purpose of supporting directly the Land League views. There are three such newspapers the contents of which I desire to direct attention to. I will take them, my Lord, in the order of the

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[Continued.]

"Irishman," the "United Ireland," and the dissemination of the "Irish World," with its contents through Ireland. First, it is matter, of course, about which there is no doubt, that the "Irishman" being a newspaper that had existed for some years, had been regarded as expressing Nationalist views and Fenian views, which had been hostile to Mr. Parnell's view in some respects. At the same time it was a newspaper that was read amongst a certain class of those who had been active in the National movement, and the funds of the Land League at this time, as I shall show, by moneys derived from America having become sufficient to justify considerable expenditure, one of the methods of that expenditure was the acquisition of newspapers. It was in the month of May 1881 that this "Irishman" newspaper was purchased from Richard Pigott. You will find the evidence on the subject at page 4039. You will gather from what appears there that the "Irishman" was purchased from Richard Pigott. It was purchased with Land League money, and, according to Mr. Parnell, whose evidence I am reading, it was brought out by a company which had been established without doubt by the Land League. It is put to Mr. Parnell:—

"I take it in this way, for I want to get this before my Lords prominently.
 "The paper of Richard Pigott, the 'Irishman,' was bought by the company.—
 "(A.) It was part of the purchase, yes. (Q.) It was continued under the editorship of Mr. William O'Brien?—(A.) Yes."

and then a little lower down—

"You purchased it, you know, in July 1881?—(A.) We purchased it in order
 "to terminate Mr. Richard Pigott's journalistic existence in Ireland. (Q.) And
 "continued the paper?—(A.) The paper was continued, I think, as I have already
 "said, for about a year."

Of course in that respect Mr. Parnell's memory is defective. The paper ceased to be published in February 1885, and so from August 1881 till February 1885 this "Irishman" was published under the new conditions. My Lords, the first issue of that paper, at least the first issue of the newspaper may be treated, I think, as being under date of August 13th. But on August 6th the number of the "Irishman" appears, and my impression is that upon the outside sheet the name William O'Brien appears. I think Mr. William O'Brien in his evidence says he was not aware of that fact; but the issue did appear on August 6th with that statement of Mr. O'Brien, that it is published for Mr. O'Brien. My Lords, in that paper an editorial notice appears, and will you note that on page 4040 Mr. Parnell says that "the 'Irishman' was a 'disreputable paper up to the time when we bought it.' That was according to 'Mr. Parnell's view. Then, in this paper of August 6th there appears, as I say, an editorial notice of the fact that—

"The history of its past is the programme of its future. Thrice in its
 "career a transfer of management has taken place, but not once has it swerved
 "from the great principles for the advocacy of which it was first established. As
 "there has not been, so there shall not be, any change in its spirit."

Well, my Lord, that statement went forth—"as there has not been, so there shall not be." There was not to be any change in its spirit, and there is also in the same page from which I am reading, a statement that appeared a little earlier in the "Nation," on the 23rd July 1881:—

"'The Irishman' newspaper has been purchased by Mr. Patrick Egan,
 "treasurer of the Land League, thus placing the whole of the so-called National
 "journals of Ireland under the control of the Land League."

(The President.) Where does that come from?

(Sir H. James.) From the "Nation" of the 23rd of July, page 4040.

(The President.) Does it say where it came from?

(Sir H. James.) Yes, it is read from the "Nation."

"Do you know that appeared in the 'Nation' of the 23rd of July 1881?"

The circumstances of the publication are also referred to at page 4760. That is the examination of Mr. William O'Brien, and his attention is called to the publication

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SIR HENRY JAMES.

[Continued.]

of the 6th of August. That was what he referred to. It seems to confirm the view I stated just now, that the August 6th publication was the death number, and the August 13th was the first new number.

My Lords, I regret I cannot very well trace the reasons given by Mr. O'Brien on the one hand and of Mr. Parnell on the other, as to why the "Irishman" continued to be edited as it was. I do not know that it is very material. You will find evidence on the one hand that it was continued in order that the Fenians should not be deprived of the organ which they had been accustomed to read. On the other hand, you will read it was thought necessary to give Mr. James O'Connor employment. Mr. O'Brien says that he took care that Mr. O'Connor should have nothing to do with one of the newspapers. At the same time he seems to be left in charge of this paper. But, my Lords, without going into detail as to the nature of the editorial arrangements, the paper having been purchased with money of the Land League—the paper having been placed under the control of Mr. O'Brien—whether O'Brien was at Kilmainham or not, those who are responsible for the issue of that paper had the duty cast upon them of seeing it was properly edited. They had the opportunity of reading the contents of the paper. They had the opportunity of "knowing what was in it." And while I have a considerable mass of information gathered from the evidence on this subject I must confess I begin to doubt whether it is necessary to trouble your Lordships with it in any detail. I may, however, refer you to the different pages. At page 4644 you will find that Mr. O'Brien says the reason they kept the "Irishman" going was because they would not deprive the Fenian Nationalists of their organ, as they thought they could beat it. At question 70,745, on that page, he says:—

"It is best to let the 'Irishman' go, so that the extreme Nationalists could not say we had started a paper against them."

On the same page, 4645, Mr. O'Brien says that Mr. James O'Connor was employed as sub-editor in a limited sense. At the same page Mr. O'Brien says he supervised the leading article, "That was the only portion I used to read."

And also on the same page Mr. William O'Brien says of Mr. James O'Connor:—

"I took care he should have nothing to do with the 'United Ireland,' but I let him, however, write incidents of the campaign."

That is page 4707.

Now, dealing with those articles, I say I must cast the responsibility of them, and their appearance, upon those who had purchased this newspaper. The statement that was sent forth to the public was in the paper, that it was "printed and published at the offices, 33, Lower Abbey Street, Dublin, by William O'Brien, to whom communications should be addressed." That appeared Saturday, the 6th of August 1881. Now, of course, Mr. O'Brien's name and his position was known in Ireland, and the weight of his authority is given to that paper. And inasmuch that he was writing the leading article in it, and that he had appointed a person, James O'Connor, who had been connected with the paper before, to act as sub-editor in his absence, I cannot come to any other conclusion but that he must be in every sense regarded as answerable for what appeared in that newspaper, and that what was done was done more or less with the sanction also of Mr. Parnell, he, probably, not knowing the details of what was occurring, but knowing generally of the issue of the paper, and that Mr. O'Brien had charge of it. And I submit answer must be made by those who are issuing the paper and receiving the product of its circulation, and who were endeavouring to promote their views by what was published within that paper.

It is not a very insignificant matter; the circulation was given to you at page 4644, as being very small indeed. It was mentioned as being only 1,204. That is the weekly circulation. But when that paper was first circulated in the important time we are dealing with (1881) you will find from the evidence at page 4705, that the circulation was 4,000 weekly. Now, first dealing with this newspaper, I have to call your attention to the articles contained in it of a "most abominable" character. My Lord, that is a strong term to apply to the contents of a newspaper, and as I do not desire at any time to use strong language, I hope if anyone is reporting my words they will be good enough to put those words in inverted commas, because that term "most abominable" language is not mine. It comes from a high authority, and I

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should say one who would use moderate language, and that was Archbishop Walsh. When Archbishop Walsh was called (at page 4263), having given evidence as to the great moderation of the Land League policy and having treated it as a league for the defence of tenants, certain action of the Land League was called to his attention. Amongst other matters upon which he was cross-examined was the "Irishman," and his attention was also called to the contents of the "Irishman," and so, my Lord, at page 4263, he volunteers a certain statement. He says, in answer to a question put to him, that he had been in Court whilst the articles were put to Mr. Parnell, and that he had heard the articles read from the "Irishman." He is asked this:—

"(Q.) Did you hear them?—(A.) I did. (Q.) Did you approve of them?—
 "(A.) Oh no, they were most abominable, and I may, perhaps, be allowed to add
 "that it came upon me altogether by surprise that that paper was in existence,
 "or had been in existence, for five or six or eight years. I had always supposed
 "that it had ceased to exist. I never met with a copy of it in any circumstances.
 "I never heard from anyone that the paper was in existence. (Q.) Then, when
 "you expressed your opinion upon the disconnexion of the Land League with
 "crime, you were still aware apparently of some of the teachings that had been
 "addressed by the principals of the Land League to the people in the country?—
 "(A.) If you refer me to any particular teaching. (Q.) I refer you to several of
 "the passages which were read during Mr. Parnell's cross-examination by the
 "Attorney-General—the extracts from the 'Irishman'?—(A.) I totally disapprove
 "of all that was read from that paper."

Well, my Lord, this very reverend prelate called on the part of the Respondents—the contents of this paper being called to his attention—of course, passed that judgment upon it. But your Lordship will recollect now, that for a period running between three and four years those who were as capable of judging as Archbishop Walsh of what ought to appear in a newspaper are answerable and responsible for the constant circulation of these "most abominable" paragraphs—abominable from the point of view that they were encouraging men to crime. My Lord, I care not whether the circulation was 4,000 or 1,000. I care not to trace how far these papers or the contents of the paper, circulated with the authority of Mr. O'Brien, were copied into other papers of the provincial press and circulated. Those who sent forth these abominable articles intended that they should be read and acted upon by men who would be the first to follow the teachings that were there contained, if they were suggestive of the employment of physical force in any shape. This had been the organ of the extreme or what was termed the lower class of Fenians. Amongst that class of men these abominable articles were constantly, and it must be taken in respect of some persons (I limit the observation) intentionally set forth, and I presume that cause and effect being closely connected, that they intended that they should cause the effect which I am afraid they did produce.

We have a collection of the articles in Mr. Parnell's evidence commencing at page 4040, and continue from page 4040 to page 4092. As these articles are already on your note I will very briefly—comparatively briefly—call your attention to a few of the extracts from this newspaper. At page 4043 we have an article under the date of the 15th of October 1881:—

"Let the Land Act try itself. . . . The Irish tenants must
 "remember that the landlord class will neither forgive nor forget. It is a matter
 "of war to the knife, and the knife to the hilt, and there is no possibility or
 "pretence of safety for the tenant, save in the utter annihilation of landlordism
 "in Ireland. . . . A general strike against rent, with no possibility
 "of individual backsliding, if effective this autumn, would bring landlordism to
 "the ground, and put the country within measureable distance of an acceptable
 "Land Bill.

"That, Sir, in brief, is my view of a fair trial for the Land Act."

That is signed "Hamilton Williams." Then a little lower down under date the 17th of December, there is a quotation from a speech of Mr. Thomas Power O'Connor, to which I shall have to refer your Lordship, but which was made in America.

"The landlord has not got any rent from the ten thousand who are ejected
 "from the farms, and he is not going to get any rent. What becomes of those

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"ten thousand farmers meantime. We will put the tenants near (*sic*) these farms as we possibly can. They like to have a glimpse of their old home, and if I was an agent of an insurance society, I would not like to have my whole organisation and co-operation dependent on the ten thousand farmers who will go into the farms that the other ten thousand have been evicted from."

As to that speech, it is proper I should remind you that Mr. O'Connor, when examined, did say that it was accompanied by language which would explain his meaning in a different sense to the words as they there appear. I shall have a word to say upon that subject when I come to the convention at which that speech was made; but so far as the "Irishman" is concerned, it published that speech without any explanation, and it went forth to the people who read the "Irishman," that Mr. O'Connor had so expressed himself in relation to the chances of life of the men who took these evicted farms.

Then at page 4044 you have a strange article, under the head of "The Sicilian Vespers":—

"*Id est*, the wholesale massacre of the alien on the soil of Italy by Italians is applauded by London publicists. Now if this precedent were to be—but we pause in charity to the thoughtlessly enthusiastic."

Mr. Parnell is asked if that is an appeal to constitutional action, and the answer comes "apparently not."

I come to a time in these articles which of course anticipates a very grave subject in this inquiry, I mean the Phoenix Park murders. Referring to page 4045, taking the latter portion of the article which is set out in the middle of the page, your Lordship will find these words. Speaking of Dublin Castle, it says:—

"Obviously the Government, or someone having authority in the Castle, is making use of the jackal journals to further the illegal proceedings of the inquisition. The comments which appear in those reptile papers have the official stamp on the face of them. They are written purposely to frighten people into making disclosures by giving hints that the Government have got a clue, that they are at last on the track of the Park murderers, that one of the band has made a clean breast of the whole plot It is quite clear that the Government have not the slightest clue to the Park murder."

Then at page 4046 there is an article which is scarcely intelligible until the events to which it refers are placed before you, but I will read it now, if you will allow me. The article in the "Irishman" of 12th May 1833 refers to what was going on in America:—

"Every movement organised against the benevolent laws of this country is supported with Irish-American money, and encouraging speeches are sent flying hither upon the wings of the press. Millions of dollars have thus been freely subscribed, for no other purpose but to thwart the intentions of Government and keep alive the flame of dissatisfaction and rebellion. Look at the Convention held in Philadelphia. What manifold mischief the 'Parliament of the Irish Race in Exile' will work here at home. Our countrymen in America are accumulating vast wealth and consolidating immense force, and for what object? We can hardly venture to name it. The outcome of the convention, no man can accurately forecast. It threatens to encompass end of thrilling interest to England. From the union and resolve, and determination of the Gael in the American continent, there is no prophesying what may issue. In the hearts of those 15 or 20 millions of men of Irish blood rankles a wound which refuses to be healed. There is no cure for it, they say, with dogged obstinacy, but topsyturvy here, and then the retreat of the English garrison with bag and baggage, if mayhap the latter can be saved in the pell-mell confusion of a horrible upheaval and universal crash."

Then after the trial and execution of the Phoenix Park murderers, you will find some sympathy expressed on page 4047:—

"The lesson of the young life, thus early quenched in darkness, should not be lost upon our rulers. Brady was not the type of man who becomes a murderer

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“ from sheer callousness or base motives. The history of English Government in Ireland from long before Mullaghmask down to our own times had taught him that any means were justifiable in dealing with a political enemy. He was convinced that what he did would benefit his country, and he risked his life, and has died that his fellowmen might be happier when his body had rotted in the quicklime of a prison grave. Terrible as was the crime in itself and its consequences, it was the act of the brave, self-sacrificing, misguided man. May his soul have found a more favourable judgment before the throne of mercy than than was granted him here below.”

My Lord, is it possible to conceive (to use Archbishop Walsh's language) a more “ abominable ” article than that. Four or five men in their strength strike down Lord Frederick Cavendish, and that is called a brave act. This was sent forth with the impression of Mr. O'Brien's name attached to that newspaper.

Then comes another article still holding Brady, as a murderer, up to praise. It is on the same page, from the “ Irishman ” of the 19th of May 1883.

“ All accounts agree in stating that Joe Brady met his death with more than ordinary firmness and courage. His physique was powerful at the age of 22 years, and he appears to have possessed a fortitude equal to the extraordinary audacity of the deed in the Park. Fear had no place in his heart. It was not the indifference of the nihilist or the pluck of the atheist, who believe that death is annihilation. In his growing years, and in his youthful manhood, he evinced a strong religious disposition, and was regular and constant in his attendance at the Franciscan chapel in Church street. Carey, it may be urged, was also a devoted Catholic, outwardly at least. But it might also be said that very indifferent Christians, or even Agnostics, Freethinkers, and persons of no religion, would not enter into a murder conspiracy nor commit a crime of such magnitude as that of assassination. In these matters the human heart remains inscrutable. It is quite clear, at all events, that very different motives actuated Carey and Brady. One was evidently a hypocrite and a cunning coward. The other was evidently a sincere, lion-hearted enthusiast.”

My Lord, as we go on reading these articles, for one moment let us picture to ourselves a man in a state of doubt and suspense whether his ways should be ways of good or evil, whether he should commit crime, and whether he should abstain from it, and then, reading such articles as these, holding up the criminal as a person deserving of praise, and terming him a lion-hearted man, what influence would be brought to bear, what influence was intended to be brought to bear, upon such persons in doubt as to what their course in life should be?

Then we proceed. There is a reference to Mr. Field commencing on the same page under date, 25th August 1883. Mr. Field was a juror, and had given a verdict in respect to these Phoenix Park murderers, in consequence of which your Lordship knows his life was attempted.

“ Once more we may refer (says the article) to the case of Mr. Field for the purpose of repeating our surprise that no one will purchase his establishment in Westmoreland Street. On Saturday the lease of the premises, which are situated in the choicest and dearest portion of Dublin, was put up for auction with the same result—no bidders; no one would offer a shilling for those valuable concerns.”

We can find no condemnation and no reference to Mr. Field, save in such terms as those. Then in the same article, on the same page :—

“ Money will not be wanting for O'Donnell's defence.”

He was the murderer of Carey.

“ The ‘ Irish World ’ collection alone amounts to 5,000 dollars. If the defence needed 100,000 dollars it would be subscribed in a week if necessary. In all parts of the World the Irish would contribute their last shilling to save the life of the man who committed the most popular murder since Talbot was shot in Dublin.”

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My Lord, I hope it will not be said that I am myself using too strained a judgment, the judgment of advocacy respecting such an article as that, but I will read to your Lordship Mr. Parnell's own view. He is asked:—

“ Have you any doubt, speaking of that as a popular murder, would be to induce the violent men to shoot informers?—(A.) I should think it would have a tendency in that direction.”

That is Mr. Parnell's own judgment. And surely he and those associated with him cannot therefore complain that others should think as Mr. Parnell does. He now, before your Lordship, says, that that article would have a tendency to cause men to shoot informers. It was published in this newspaper, his own newspaper, with Mr. O'Brien's name appearing as editor.

Then, passing to another subject—comparatively a minor subject I admit—it appears the paper itself speaks of Mr. Parnell:—

“ It will not be overlooked by Irish readers that Mr. Parnell as a Nationalist is a notable advance upon O'Connell and Butt. In his public speeches we find none of the nauseous loyalty of the ‘Liberator,’ nor any of the constitutional twaddle of the Home Rule leader.”

The only materiality of that is, that it is now suggested, by my friend Sir Charles Russell, that Mr. Parnell's movement was only a constitutional movement. He was loyal and constitutional, and his movement was guided by those two great considerations of loyalty and constitutionalism. But here was this organ. When, as we say, the desire was to maintain the alliance between the two sections of Nationalists, this organ, which was to appeal to the one section, is stating that Mr. Parnell has none of the loyalty of which others used to speak, and he has none of the constitutional twaddle of the Home Rule leader. Only one passage more. There is at page 4050, under date the 26th January 1884, the following:—

“ A deep fear of Irish-American dynamiters has taken hold of the English mind. . . . All the apprehension has been caused by information received from America that the ‘Irish World’ fund is running high, and that some of it has already been expended in London. The Home Office is in a flutter. In the coming session of Parliament the members of the Government, and others, too, are likely to feel very uncomfortable in their seats.”

Then there is this, under date 15th March 1884.

“ Between England and Ireland is one unbroken round of revenge and retaliation. The telegrams tells us that there is in Paris a brother of Joe Brady and a son of O'Donovan Rossa. Both are engaged in the dynamite business; one to get satisfaction for the death of his brother, the other to pay off England for her cruel treatment of his father while in prison. In this announcement from Paris there is a whole history. The English will not, it seems, be permitted to enjoy that last execution.”

My Lords, as I will show to you there is no suggestion but what the trial of those men, every one of them, was a fair trial. It is admitted by Mr. O'Brien himself, in a passage I will call attention to in connexion with another matter, and yet with a perfect exhibition of that, that they were justly condemned men, that is the way the sentence of the law is dealt with.

Then, my Lords, I have lastly to read the 22nd March 1884, at page 4050.

“ We know what instruments England has employed in repressing us. We know how she never scrupled to murder and assassinate, that she might rob, despoil, and conquer. Against such a foe any weapons are lawful.”

Your Lordships must forgive me if I remind you that was not an abstract statement; that is a statement after the Phoenix Park murders had been committed, and after assassinations had taken place, written at the time when the dynamite explosions had taken place, and with a knowledge that such weapons had been employed, there is authority given that any weapons are lawful against the foe, and that is against England.

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Now, my Lords, those are all the passages that I desire to quote to you as examples, and examples only, of what was appearing in the "Irish World." I am relieved from any argument to show how deserving of condemnation they are. They speak for themselves, and if they did not, Archbishop Walsh and Mr. Parnell have spoken for them.

I pass to the second newspaper with which we are dealing, namely, "United Ireland." "United Ireland" proceeded, I cannot say entirely, but to some extent out of the ruins of a paper called "The Flag of Ireland." You will see an account given of this at the page I have already referred you to, page 4760, in Mr. O'Brien's evidence. There it appears that at the same date we have already spoken of, namely, August 1881, the "Flag of Ireland" was published, and on the date of the 6th August there was a statement that it was "Printed at the office, 33, Lower Abbey Street, by William O'Brien, to whom all communications should be addressed;" and it contained also this statement: "The 'Flag of Ireland' will next appear under the title of 'United Ireland.'" It is but justice to Mr. O'Brien to say that he says at this page that it is news to him, and he was not aware that that statement was made; still it was made, and it was published; and your Lordships will note that the reason he gives why he should have thought that it would not have appeared was that he regarded both the "Irishman" and the "Flag of Ireland" as being supposed to be under a horrible influence.

Then, my Lords, there appears in that paper a paragraph stating that everything shall be changed, except its principles. The principles, my Lords, were as stated by Delaney at page 1896; the principles which were acquiesced in by Delaney, but they appear in their import to be the views entertained by Mr. Davitt, because it was in the cross-examination of Delaney at page 1896 that Mr. Davitt asked him at Question 35,671—

"Did you read of the proceedings of that meeting afterwards in the 'Flag of Ireland'?" (A.) No. (Q.) Were not you a reader of the 'Flag of Ireland' at the time? (A.) No. (Q.) Do you swear that? (A.) Yes, I do not think I read the paper half-a-dozen times in my life. (Q.) You have read it? (A.) Yes."

Then this is Mr. Davitt's question:—

"Did you know it was the reputed organ of the Fenian organization?"

And the witness said—

"One of them."

It is not so much the view that Delaney entertained of the matter, but it is important to know what Mr. Davitt thought of this paper.

"Did you know that O'Donovan Rossa, of the Fenian Council of America, was its correspondent?" (A.) One of them. (Q.) Did you know your brother wrote letters to it, and Daniel Curley, and others? (A.) My brother never wrote letters to it."

So, my Lords, I gather from Mr. Davitt putting those questions, that his view was that this paper had been a Fenian organ; and then we have the statement that everything about it shall be changed except the principles. That appears at question 72,110, and the answer on the page I called attention to. Then at page 491 we have it proved that this paper was, as "United Ireland," commenced under the auspices of a company, the "Irish National Newspaper and Publishing Company," and the objects for which the company is established are to "purchase the 'Shamrock,' 'Flag of Ireland,' and 'Irishman' newspapers, and all rights connected therewith." The signatories were Patrick Egan, Charles S. Parnell, each 237 shares; Dr. Kenny, Mr. Biggar, M.P., Mr. William O'Brien, Mr. Justin McCarthy, M.P., and Mr. Richard Lalor, M.P.; making altogether 500 shares. It was admitted by Mr. Parnell that it was really the Land League money in substance which was brought to this newspaper. An account is given by Mr. O'Brien, at page 4654, where Mr. O'Brien was asked as to the purchase of "United Ireland," and he explains, in answer to the question about "United Ireland," that the "Irishman," the previous newspaper, was sold at a somewhat higher price, a twopenny paper, and they thought it better to lower it, and it was so lowered. He then says that "United Ireland" was published by him; and he is then

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asked as to the tone of that paper, and he states that the first article is August 20, 1881. And again Mr. O'Brien's name appears in the "Irishman" as being the person on whose authority the paper is published.

Now, my Lords, the paragraphs in that paper, the most objectionable paragraphs we shall find, appear under certain headings. The first heading is, "The Campaign." That heading occurs previously to the 15th October 1881, that is the very day Mr. O'Brien was arrested, the 15th October, and will your Lordships' note that at page 4645—

(*Mr. Justice A. L. Smith.*) I thought the campaign began on the 8th October, Sir Henry.

(*Sir H. James.*) It was the 15th October, at page 6, column 4, "The Campaign."

(*Mr. Justice A. L. Smith.*) There has been one put in of the 8th October.

(*Sir H. James.*) With "Campaign" in?

(*Mr. Justice A. L. Smith.*) Yes.

(*Sir H. James.*) That is what I am saying, if your Lordship pleases.

(*Mr. Justice A. L. Smith.*) Up to —I beg your pardon.

(*Sir H. James.*) I said from the date—it occurs previously too, so from the date of its inception until the 15th October you have the heading "Campaign." Mr. O'Brien says, that up to that time he bore the burden of the editorship of the paper. I have my note of the account that Mr. O'Brien gave of the matter in dealing with the time before he was arrested under Mr. Forster's Act, that he had borne the burden of the paper. He says, at Question 70,751, in answer to your Lordship, speaking of O'Connor, I took very good care that he, O'Connor, should have nothing to do with "United Ireland," and—

"I thought I took care that his part in the writing of the 'Irishman,' should be of a perfectly insignificant character. His chief duty was in connexion with the little story paper which we published every week."

Then a little lower down appears what I wish to refer to:—

"And from that date until I got into prison I was in the habit of supervising the leading articles in the 'Irishman.'"

That is the "Irishman," my Lord.

"But that was the only portion of the paper that I used to read. I should explain, my Lord, that I had the whole burden of starting this new paper, 'United Ireland,' upon my shoulders. It occupied me night and day. I had to write the whole of the leading pages of it for every number up to the time of my imprisonment. I had, in addition to that, to open every letter coming into the establishment, and I had to keep a supervision over the commercial part of the paper as well. I had the whole thing on my shoulders, and the result was, I was utterly unable to follow everything that appeared in the 'Irishman;' the more especially as I did follow the circulation and saw that in the natural course of things it was absolutely bound to die in a short time."

And so as regards "United Ireland" I think we may take it that Mr. O'Brien himself puts himself forward as being the actual manager of that paper, and controlling it editorially until Mr. Forster's Act, being put in operation against him, he was placed in Kilmainham.

Then, my Lords, after this, from the date I have mentioned to you, at least as early as October 29th, that would be the second issue after the 15th, and in the paper of October 29th, and also of November 5th, the same class of paragraph as had appeared under "The Campaign" appeared under "The Spirit of the Country"; and then, as I read it, after that time, "The Campaign" was changed to "The Incidents of the Campaign."

One other statement by Mr. O'Brien as to his position with regard to "United Ireland" is made at page 4762, where the question is put to him—

"Of course you required a staff for the new paper, "United Ireland"?—

"(A.) No, I was the staff myself."

It is the last question and answer on the page.

Now, my Lords, great discussion arose, which I am sure you will relieve me from dealing with, in Parliament on one occasion, a discussion in which Mr. Gladstone took part, as to whether there had been a right statement made in saying that the term "Incidents of Campaign" had ever been used by Mr. O'Brien; and complaints were

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made by two members of Parliament that Mr. O'Brien, being in Kilmainham, ought not to be held answerable. But Mr O'Brien was answerable for the word "Campaign," and at page 4709 he is asked his idea of the difference between the word "Campaign" and "Incidents of Campaign":—

"Does the word 'Campaign' convey the same meanings as 'Incidents of Campaign'?—(A.) Yes; the one was mine and the other was somebody else's expression."

And so, if any importance is to be attached to the publication of outrages and acts of violence under those heads "The Campaign," "Spirit of the Country," or "Incidents of Campaign," certainly, so far as Mr. O'Brien's view, as I read it, expresses itself, we may take it that "The Campaign" and "Incidents of Campaign" represent exactly the same thing. In respect of the one Mr. O'Brien is personally answerable. He admits that. In respect of the latter heading, I submit to your Lordships, he also is answerable. He had the power in Kilmainham, as I understand, certainly of communication—constant communication with those who were acting for him outside, inasmuch that he had the power of checking those who were to direct that paper; and I do not understand when he says he never saw it, and there must have been some power of supervision as leaves with him still the responsibility of what appeared in that paper. If you are dealing with one phrase, one particular paragraph, it may be said, "Well, there is great hardship in throwing upon the shoulders of one who, against his will, was absent from active life, all the responsibility of one particular passage," but when, instead of anything accidentally appearing, systematically you have objectionable matter appearing in a newspaper, and you have no certain statement that all that was in entire ignorance of those who were responsible, at least, there must be some measure of responsibility thrown upon those to whom the paper belongs. I also observe that some of those who were members of this company were at large. There were some gentlemen who were as capable as any person in dealing with matters of newspaper circulation, gentlemen such as Mr. Justin McCarthy. They sat by week after week, while "United Ireland" was sending forth this information to the public that these personal outrages were not the acts of secret societies, or were not the objectionable acts of individual men, but they were the "Plan of the Campaign," and the "Incidents of the Campaign." And again I say we must, without straining the law, or taking too broad a view of men's liabilities, conceive that, as a whole, the Land League and the Land Leaguers were answerable, and directly answerable for what appeared in "United Ireland."

My Lords the articles that appeared in "United Ireland" I will cite very shortly; and I will again concentrate them as much as I can, so as to show to your Lordships I am not dealing with any doubtful matter, and if I give your Lordships the worst cases it will suffice.

I come at once to that period with which the "Irishman" had already dealt, namely, the Phoenix Park murder period; and now I will refer you to what Mr. O'Brien said as to his view of the trial of the Phoenix Park murderers. His statement is made at page 4725. The question is put to him (71,653),—

"You have just told me that you do not suggest the Phoenix Park murderers were not properly tried?—I am perfectly satisfied"—

says Mr. O'Brien—

"that the evidence was perfectly overwhelming and satisfactory."

And when, my Lords, we have to deal with some anniversary matters hereafter, I would ask you that that answer should be borne in mind. Here is not a case like the case of Poff and Barratt, when there was even the pretence of a statement that there was doubt as to the guilt of the convicted men, and if it be that sympathy is shown for these men—not men who may have been on insufficient evidence convicted and executed—if there be sympathy shown, it is shown to men who are admitted to have committed murder. I would say that Mr. O'Brien, on such a matter as this, will not distort his judgment, with full opportunity of knowing what others say, and knowing what was proved on this trial, he tells your Lordships, according to his view, the evidence was perfectly overwhelming and satisfactory.

I will read what occurred in "United Ireland," published under the circumstances I have mentioned to your Lordships, and will keep the observations in respect to these murders committed by men who had been, as Mr. O'Brien says, fairly tried.

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At question 71,666, page 4726, there is this:—

“As the strangling commission is over, and honest Dan Curley is killed by the British Government, I enclose 10s. for the help of his family; I only wish it were pounds.”

A little lower down there is a heading:—

“Prayers for the Brave one. To the Editor of ‘United Ireland.’ Sir, kindly allow me space in your truly National journals to tell the Castle and Cromwellian Government that their hangings in Ireland are not producing the effects which would please them, and which they desire to have made. Here, in England, Irishmen feel a deep resentment at the cold-blooded butchery taking place every week upon the Kilmainham scaffold. The feeling of horror at the murders in the Park is now turned into a feeling of still deeper horror at the murders on the gallows. There have been masses offered for the repose of the souls of the brave men who are strangled and sent to an untimely grave.”

Then 71,666:—

“9th June 1883. We, in Dudley, pray not for those who have pleaded guilty and threw themselves upon the mercy of a British court of law. We believe only in men that die bravely, no matter what crime they may have committed.”

My Lords, these were letters—I care not whether they were letters or not—every editor is responsible for letters that appear in his newspaper; these were letters which were being sent forth to a population existing under the circumstances they had been brought into by incitement. And then, my Lords, this is what I do not, I confess, understand in Mr. O’Brien’s evidence. His attention is called to the fact that on the first sheet there appears “Prayers for the Brave One.” These were cowardly murderers—“Prayers for the Brave One.” He is asked:—

“Did you look through the paper?—(A.) Yes, I did, and was very dissatisfied at the time with it. I remember it, but of course there is no remedy for it.”

(The President.) Which is he speaking of?

(Sir H. James.) “United Ireland,” my Lord.

(The President.) I thought he had said of that “I am sorry to say I hear it for the first time.”

(Sir H. James.) Yes, the letters as a whole he was speaking of.

(The President.) I am pointing out the apparent inconsistency—that he read it for the first time seems inconsistent with the statement that he looked through the paper and was dissatisfied with it.

(Sir H. James.) Whether he means looking through generally or not, I do not know.

(The President.) I suppose that is what he means.

(Sir H. James.) In this answer he expresses himself very strongly in answer to question 71,668. He says, “I did look through the paper.” The question is, “You might not give personal attention to it?” He says, “Yes, I did, I did look through the paper.”

“Did you look through the paper?—(A.) Yes, I did, and was very dissatisfied with it. I remember it, but of course there is no remedy for it.”

What is the meaning of that—“No remedy for it.” If his whole object, and gain, and end was either to sell the paper amongst a certain class, or to disseminate certain views of a criminal character, there might be no remedy for it; but he had a remedy, and let any person place himself in the position of the editor of a paper, and he would find that remedy by refusing to publish it.

Now, my Lords, in justice to Mr. O’Brien, I will read what he says about his responsibility. Will you look a little lower, at question 71,673?

“Do you represent that that article with that letter published at that length could possibly be regarded as being in support of constitutional action?—(A.) I do not indeed—I do not indeed. If I could by any possible way have excluded

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“ such letters as that, of course I should have excluded it. (Q.) You heard the
 “ ‘Irishman’ extracts I put to Mr. Parnell? (A.) But nobody knows the sort
 “ of life we had to lead. (Q.) Be good enough to answer my question? (A.) You
 “ must allow me to answer when it is necessary. I could not possibly make
 “ myself responsible for all the minutiae of a newspaper—the whole thing upon my
 “ hands, perpetually flying about here, there, and everywhere, making speeches
 “ in Parliament and everything. It was utterly impossible that I could have done
 “ it. Unfortunately, of course—I admit that I ought to have got somebody else
 “ to do it; that is my fault.”

I will put it according to Mr. O’Brien’s own view, that such articles as these to which he objected, if he had exercised that proper supervision they would never have been published. I cannot help paying the tribute to Mr. O’Brien that Mr. Parnell also paid him. At page 4083, Mr. Parnell is speaking of Mr. O’Brien, and he says—

“ Undoubtedly the people of Ireland would attach very great importance to
 “ the writings of William O’Brien—great and just importance.”

Therefore, my Lords, they are not the writings of a person who would not be known, and whose authority would not be regarded, but they are the writings of a person who is of great importance, and his writings were so read by the Irish people.

Only one more extract I need give you on this. At page 4729, there appears a report of Mr. Patrick Egan’s speech at Chicago in June 1883—

“ I am glad to see so large a gathering here to-day for the purpose of
 “ inaugurating the new branch of the National League. It shows that the work
 “ done at the National Convention has borne good fruit, and that you are all in
 “ earnest in building up the organisation, the foundation of which was so well
 “ laid at Philadelphia. During the past week, the work of ruling Ireland has
 “ gone on in the good old fashion of ’98. The hangman has had a busy time in
 “ Dublin. The cry which has for some time past resounded through England,
 “ ‘More rope for Ireland,’ has been answered, and two more of our countrymen
 “ have died on the scaffold: one of them, poor Daniel Curley, I knew long and
 “ well, and I can say with truth that a more sterling patriot never died for
 “ Ireland.”

(The President.) Whose words are these?

(Sir H. James.) Patrick Egan’s.

(The President.) Read the next sentence.

(Sir H. James.)

“ I do not believe that these men were guilty of the charge for which they
 “ suffered. Certain it is, they were not fairly convicted. I know but too well
 “ the vile system of packed juries, partisan judges, and perjured informers
 “ swearing to order for bribes varying from \$2,500 to \$50,000 each, a system
 “ which Lord Denman, one of the great English law lords, has stigmatised as a
 “ mockery, a delusion, and a snare; and I know that under this system the
 “ English Government, if they so desired, would convict Cardinal McCabe as well
 “ as poor Joe Brady.”

I was about to read that, and I thank your Lordships for allowing me to read it before I say what I was going to upon that. Patrick Egan told that to the American people. Well, Mr. O’Brien told you the men were unfairly convicted, but according to this speech of Patrick Egan, in what did patriotism of poor Daniel Curley consist? He says:

“ I can say with truth that a more sterling patriot never died for
 “ Ireland.”

In what did his patriotism consist? It consisted only of his act of murder—the Phoenix Park murders. He was not a patriot because he was unjustly convicted, but he was a patriot because he was the murderer of Lord Frederick Cavendish. That was it. And I say, while Mr. Davitt could refer in touching language to a woman’s forgiveness, it is one thing to say you forgive under the circumstances to which he referred, but can we forgive—ought we to forgive—a man in the position of Patrick Egan, who allows these words to be used, and to be scattered throughout Ireland, of Daniel Curley, that “a more sterling patriot never died for Ireland?” I thank your

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Lordships for directing my attention to what Mr. Patrick Egan was calling to the minds of the American people. Only, as Mr. O'Brien said, he does not put the martyrdom of Curley upon that ground, but upon the ground of the patriotism of the act that he had committed.

My Lords, exercising the discretion that is at my disposal in the matter of the shortening this long address to you, you will recollect that the objectionable matter we are dealing with are collected under the head of "The Campaign" and "The Incidents of the Campaign," I really cannot bear the burden of reading these documents at length. I have given you an example. I think that was the most pertinent and relevant example of sad teaching directly inciting to crime, and I could refer you to the examinations that have taken place, where attention has been called to the different statements that appeared all over Ireland, under the three heads to which I have referred. I do not wish to discuss it—I only wish to call attention to it—in the re-examination of Mr. O'Brien (I think by my friend Mr. Reid), attention was directed to some article that appeared in "United Ireland" of a different character. Of course it would not be, that throughout the whole of that paper, all the articles would be in one direction. There were two parties to satisfy. There were the parties who were Constitutionalists to a certain degree; and there were those parties to whom Mr. Parnell and Mr. O'Brien were willing to appeal, in order to obtain their support. Therefore, the newspaper had to contain, and did contain, the expression of two sections of opinion. And I have no doubt that these articles put in by my friend, Mr. Reid, although they were not very important articles, yet they did convey a very different impression from what I have read to you. But was not this part of the policy to the Fenians. What did it represent? I was calling attention to what Mr. Harris said, that when you denounce the crime, they thought you were only speaking to the police: and the readers amongst the Irish Fenians would think you were only speaking to someone of the Government. But their real reading was, that all that was in sympathy with their feeling; and they found there was that expression of sympathy with their feeling coming from Mr. Dillon with Mr. O'Brien's name on the paper, and from the paper that came from that Company. Well, my Lords, it seems that what is now said is this: "We did not know," says Mr. Parnell, "what appeared in that newspaper." As to Mr. O'Brien, he says, "I knew some, but I only knew partially." Well, the newspaper editor cannot exist with closed eyes. He must be taken to know what is in his paper, as I have said, if you will forgive me for referring to it. I recollect in my early days there was a paper which I had time to read, published in another form now, with an open eye, and underneath was written *nunquand dormio*. That was expressive of this paper. I would say that it was a very becoming trade mark if there had been two eyes on it, one closed and one open, and if artistic skill could have conveyed to the eye that was open a recurrent motion of the upper eye-lid, it would have exactly expressed the position that Mr. Parnell and Mr. O'Brien were taking up in relation to the Irish people, and also was expressing the views they wish to say to them. They were desirous for them to know and see that they were willing to meet the views of both sections of the allied forces, and, therefore, they were writing two classes of articles, one directly inciting to crime, and spreading those articles through the country; and every now and then, gathering what we can from the re-examination of Mr. Reid, there were articles always suitable to more constitutional readers of their paper.

I think, my Lords, I might pass now to consider the third paper that represented Nationalist opinion in Ireland. The result, as far as we have gone, seems to be that in the autumn of 1885 Mr. Parnell and Mr. O'Brien had these two papers in their hands. There were two other newspapers that had some weight in Ireland, namely, the "Nation" and the "Freeman." I will not enter into the minute question when the "Freeman" became friendly to Mr. Parnell, or whether the "Nation" was entirely at the disposal of Mr. Parnell, but the result was that certainly the press in Ireland by this time was very favourable, taking it as a whole, to the National view. But that did not satisfy those who were placing the Land League views before the Irish people. Another agency had to be called into existence, and you will find at page 3382 that a letter appeared from Mr. Quinn, who is the acting secretary of the Land League. It is a letter in which he says—it is a late letter—

"Numerous applications are daily received at the Land League office for copies of the 'Irish World.' I appeal to our friends in America to furnish us

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“ with as many copies as they can, so that we may be able to meet the constant demand for it. Its circulation just now can be of immense service to the cause.”

Now, my Lords, I am relieved from tracing out a great deal of the way in which the “Irish World” was introduced into Ireland, by the ruling that you gave on the admissibility of the evidence. I should only be unnecessarily going over the ground. I take it now that you have admitted the “Irish World” up to the 10th October 1882. The ground of that admission, speaking very generally, was that the “Irish World” had been collecting money for the Land League, also that the “Irish World” had been thanked over and over again for its services to the Land League by responsible persons. Then there was evidence that the “Irish World” had been sent out to branches of the League from the central League, and by means of the clerks of the Central League acting in Dublin, and that the expense, such as it was, was borne by the Land League funds. May I very briefly call your attention to the expressions, first of gratitude, that we find through this case for the exertions of the “Irish World,” and thanks for copies having been sent.

I need only give you one or two examples, for they are almost identical. At page 3374, from a certain branch of the Land League, county Leitrim:—

“ I beg to return you many thanks for the ‘Irish World,’ which I received for free distribution. This will help to ‘Spread the Light,’ and I make bold to say that if you only knew our position, geographically, socially, and intellectually, you would, by some contrivance, send us 3,000 copies of the ‘Irish World.’ ”

Then there are similar thanks from other branches, which I need not trouble you with. You will find there is one of January 1881, page 3375:—

“ We are in receipt of the ‘Irish World’ weekly, and letters with remittances for the Land League fund.”

Mr. Parnell, on the 5th of February 1881, says:—

“ Thanks to the ‘Irish World’ and its readers for their constant co-operation and substantial support.”

12th of February 1881, at page 3376, Brennan says:—

“ The 1,000*l.* cabled this week by the ‘Irish World’ is received. Its announcement was received with applause. The substantial aid and continued encouragement which we are receiving from our kindred and the friends of humanity in America are inspiring our people very much, and in the name of the Land League I beg to tender to the readers of the ‘Irish World’ and to all co-operators its sincere and most grateful acknowledgment.”

Mr. Egan, on the 12th of March 1881, says:—

“ Let the readers of the ‘Irish World’ and all the friends of the Land League accept our warmest thanks for the noble work they are so bravely doing.”

March 19th, 1881, Thomas Brennan say:—

“ The moral and financial aid which is constantly coming from our brothers in America, through the ‘Irish World’ and other channels, cheers us in our work.”

There are similar communications from Quinn, Egan, and Brennan, to which I do not know that I need make detailed reference.

Then, my Lords, may I refer to the ruling of the President where he admits the evidence.

(*The President.*) What page?

(*Sir H. James.*) Page 3303. It was upon the admissibility of the evidence. Your Lordship will recollect we discussed it at length, and upon proof of the distribution of the “Irish World” by certain persons, you came to the conclusion that there had been free distribution from the Land League. There were certain police constables, members of the constabulary, who had found them being distributed.

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(*The President.*) You need not go back upon that.

(*Sir H. James.*) That is what I am saying. At page 3303 your Lordship's judgment commences; you summarize the evidence, to which I beg respectfully to refer your Lordships, so as to relieve me going through that matter. Now I will take it that at a very early date—from the commencement of the Land League certainly down to October 14th—that what appears in the "Irish World"—

(*The President.*) October 14th of what year?

(*Sir H. James.*) 1882.

(*The President.*) Is October 1882 pointed out in that passage?

(*Sir H. James.*) No, my Lord. That is in a subsequent ruling, at page 3382.

(*The President.*) It arose in this manner. That being admitted, then it appeared there were general directions to send the "Irish World," and I expressed the view of the Court. But then it may have been there was no countermanding of that direction. That will be found shortly expressed at page 3382.

(*Sir H. James.*) That would be the second section of the question. The first is at an earlier page.

(*Mr. Justice A. L. Smith.*) It referred to October 1881?

(*Sir H. James.*) No.

(*Mr. Justice A. L. Smith.*) It is from May 1880 to October 1881. Then as we went on reading the extracts we limited it to October 1882.

(*Sir H. James.*) I thought your Lordship meant finally. The first question was as to that, and then as we proceeded it was admitted by the Commission to October 1882.

(*The President, reading*)—

"We are of opinion now that a sufficient foundation has been shown for
"the continuation of these extracts; if it be the fact that there was a change
"and a stoppage of that which we see has been demanded over and over again.
"that must be for explanation; but we think a *primâ facie* case has been made
"out for the admission of the 'Irish World' after the date that has been
"mentioned."

Then it went on, I forget in what way, but there seemed to be reasonable ground for suggesting that there was really a change of policy and authority.

(*Sir H. James.*) The final word on the subject your Lordship will find at page 3395, where we come to the date of the article that was read, the 14th of October 1882. It was at that time that Mr. Patrick Ford announced he had closed the fund, and he said it was the last subscription he could receive for the Land League. Therefore you draw the line at that date.

(*The President.*) The final word, as you call it, was at page 3394.

(*Sir H. James.*) If your Lordship will forgive me, to be quite accurate, it seems to be page 3395.

(*The President.*) This is what I am alluding to; it is only that I may get it quite correct on the note. You will see what I said:—

"But the meaning of my observation was this: that we were inclined to
"think—I do not lay it down absolutely, because there may be a further explana-
"tion—but we were inclined to think that the inference which we drew is now
"exhausted. We find directions by various members of the Land League that
"the 'Irish World' should be sent over as being a great aid to the organisation
"in Dublin, but if they begin to quarrel, and if, as a result of that, no more
"money is received by the organization in Ireland, then we should cease to draw
"the inference that the 'Irish World' was being disseminated by their means."

That is what I what I was alluding to.

(*Sir H. James.*) If your Lordship pleases. Now, my Lord, therefore at present confining all I have to say to this period, I will do as I have done; I will refer to very few, comparatively very few, of the articles that have been put in during this period. First, we start with a statement of Mr. Davitt in respect to the "Irish World," at page 6357. At that page Mr. Davitt says:—

"I believe during the latter portion of 1879, while the 'Irish World' was
"supporting the land agitation in Ireland, it continued to publish in one of its

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“ columns ‘Maxims for Skirmishers.’ They belonged to the Skirmishing Fund
 “ policy period, and had evidently, either intentionally or accidentally, (I cannot
 “ say which, probably intentionally) remained in the ‘Irish World’ I think
 “ during 1879. Whether they were continued in 1880 I do not know, but I
 “ think not. I think early in 1880 they disappeared from the columns of the
 “ ‘Irish World.’ ”

Now, my Lord, one more reference to Mr. Davitt’s speech. It is at page 6338. He refers to this. It is an article that appeared in the “Irish World,” April 16th, 1881. Mr. Davitt used an argument derived from what he read in that letter. He reads the words:—

“ Furthermore, the ‘Irish World’ does not now advocate skirmishing. It
 “ does not advise physical warfare on any plan. The ‘Irish World’ sincerely
 “ desires peace on earth, war, however, may yet become necessary in the settlement
 “ of this Irish question. Almost everything depends upon England herself.
 “ May God inspire her with a sense of justice.”

That letter, looked at as a letter, for I ask you so to regard it, is simply an explanation that at that time the “Irish World” was taking that view. Of course, we have it admitted that a period subsequent to the suspension of the Skirmishing Fund or dynamite policy that the “Irish World” returned it. And I refer you as proof of what I have said to the articles I read to you two days ago, at page 6383, of the 28th August 1880. Now, I will read very few of these articles, but I will refer to some of them. At page 3329 these words occur in the article from the “Irish World” of November 28th, 1880:—

“ Some think it an open question whether the political agent called dynamite
 “ was first commissioned in Russia or first in Ireland. Well, it is not of much
 “ consequence which of the two countries takes precedence in this onward step
 “ toward civilization. Still, we claim the merit for Ireland. True, the introductory
 “ blast was blown in England, and in the very centre of the enemy’s headquarters.
 “ But the work itself was, do doubt, done by one or two Irish bands which settles
 “ both the claim and the priority.”

(The President.) Will you discriminate between articles and letters?

(Sir H. James.) I will if your Lordship pleases.

(The President.) If you can do so I shall be glad. November 1880 is it?

(Sir H. James.) What I have read to you is at page 3329 which I read to be an article. But the explanation I think of it we shall find at page 3359. I will give your Lordship an answer if you will kindly refer to that page. You will see it is an article, because it goes on—Sir Charles Russell says—

A paragraph was read from the paper of the 12th June, which began, as your Lordships well recollect, thus—

“ Some think it an open question whether the political agent called dynamite
 “ was first commissioned in Russia or first in Ireland.”

Those are the words I read to you. Then my friend Mr. Asquith, Sir Charles Russell’s junior, says:—

“ I do not want to read the whole article, my Lords, the only reason why I
 “ wish to read further extracts, is to show that it was an article upon what was
 “ going on in Russia at the time, rather than on what was going on in Ireland.
 “ After the extract which my friends have read, it goes on in this way: ‘It is
 “ ‘ now some 14 years——,’ ”

and so on. I do not know whether that word “article” was or was not correctly used. I think my friend Mr. Asquith is very likely to be correct. Now at page 3360 we have an example of this man “Transatlantic’s” letters which were always admitted to the “Irish World,” and always published.

(The President.) I see Sir Charles Russell calls attention to the fact that it is a letter from which it would appear that he had an opportunity of seeing; the other was an article.

(Sir H. James.) Yes. What I am now reading is indisputably a letter. It is “Transatlantic.”

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(*The President.*) What I am calling attention to is this: the question whether the article was a letter was present to Sir Charles Russell's mind, and therefore the inference seems clear, the former one you read was an article.

(*Sir H. James.*) Then this appears, 10th of July 1888:—

“A hearty coming together of our scattered race—‘the sea-divided Gael’—
 “with honest and courageous leaders, a united watchword, ‘free land in free
 “‘Ireland.’ We have in those elements material power, not only to free our
 “island from the felon grasp of the English aristocracy, but to follow the felons,
 “if we think it best, into their own country, and there defeat them in the open,
 “and in their cities and thus destroy, at once and for ever, the British Empire,
 “the greatest scourge which the human race ever experienced.”

A little lower down there is an extract from the “Irish World” of the 24th of July 1880.

(*The President.*) Is that Mr. Davitt?

(*Sir H. James.*) Yes, Mr. Davitt, 24th July. That, my Lord, is a letter I have read in respect to another matter. That is as to the transfer of work from one section to another.

Then, at page 3361, there is a paragraph upon the Feerick murder. The Feerick murder was proved, as we stated. The paragraph is headed “Agrarian outrage in Mayo:”—

“It is the latest to hand, one other move in the war of centuries; that is
 “what we see of it.”

Then follows a short extract from the Irish paper:—

“There is an obscurity in this account also; but the fact and the omens
 “remain. Meehan shot on one side to-day, Feerick shot on the other side to-
 “morrow. Somebody said, long ago, that ‘it made no difference among
 “neighbours who dies first.’ Those killings on both sides have been too long
 “continued for us to hope that they will be discontinued now. But every pistol-
 “shot will stimulate action of the thieves to guard the stolen goods away in the
 “darkness; of the true men to let the light in on the darkness, and the true
 “owners in on the stolen goods. There are stirring times before us. Awaken
 “your neighbours; it will soon be daylight.”

Then I come to that letter, which I certainly will not read again, on the next page, 3363, where, you recollect, an account is given of the Skirmishing Fund, and where, it appears, Rossa said he was ready for anything. Then, at page 3369, on the 9th of October 1880, there is this:—

“The Irish Land League is accepted by the Irish people at home and abroad
 “as their faithful friend, philosopher, and guide. I am thoroughly grieved to
 “find existing among my American friends and my Dublin friends also, a dis-
 “position to quarrel with the trustees of the Skirmishing Fund in New York for
 “that they advanced 1,000 or 2,000 dollars over a year ago from the Skirmishing
 “Fund to help to start the anti-rent agitation in Ireland. No possible application
 “of a portion of the fund would to my mind be more legitimate, more in accor-
 “dance with the desires of us all, to help on towards the deliverance of our down-
 “trodden people. That little bit of seed, the first advance from the Skirmishing
 “Fund, has worked as great a miracle as the grain of mustard seed spoken of in
 “the sacred Scriptures. Behold now 200 Land League branches established
 “through Ireland, with at least 500 members in each, and all in full cry against
 “the land robbers.”

There is another letter of Transatlantic at page 3371. The only part I care to read of this long letter refers to the Juno affair at Cork, and the men who attacked Mr. Parnell's guard. This is the part I wish to read—

“Gentlemen of the advanced guard! This land agitation has passed out of
 “the *moral* force agitation state; it is now from Cork to Aughmore a *physical*
 “force agitation, within a measurable distance of the open battle for our national
 “independence. Fall in. Fall in, I say. Your friends of the advanced guard in

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“ Cork have fallen in with Mr. Parnell, and have made a show to England that is not to be sneered down.”

Then will you also allow me to refer you without reading it to the reference to Mr. Smyth at the same page 3372, and a little lower down on the same page:—

“ Spread the light! My countrymen, spread the light! Better than dynamite, though a grand ‘factor’ in our affairs—better still is the light of truth.”

That is a letter. On the next page, 3373, there is this; this is “Transatlantic” again:—

“ OUTRAGES.

“ Outrages! They haven’t begun yet! Out, ye vipers of darkness! Out, ye hungry wolves! Ye bloodhounds! Out from God’s holy isle, ere ye are overtaken by that punishment which caught the wicked land-wolves of France from 1779 (*sic*) to 1793.”

Those words are, of course, applied to the landlords. I think I need only trouble you further, very shortly, on this point. At page 3374, there is a letter, signed John Groves, appearing in that paper:—

“ General O’Brien reviewed the career of landlordism in Ireland, and was glad to see all Ireland now united against it. They talk of agrarian murders! Why shouldn’t there be under such a robber system. It is only a natural outcome.”

Now, there are other letters (though I am afraid I am wearying you) of exactly the same character; but the observation upon these letters is, what difference did the Irish peasant who read them, see between an editorial remark and a letter? He had that newspaper coming freely distributed from the Land League offices, and when he read articles or letters in that newspaper sent to him by the Land League authorities, he knew that what was there was sent with their approval to him; and upon such articles, of course, as those which I have been reading, he would act. I have many many more here, but I really must take upon myself to relieve your Lordship from reading them. There are very many of them. They are in evidence upon the note. May I first point out to you that in these pages I have been reading and succeeding pages, if you will allow me to refer you to them generally, these extracts appear and many of them. Then in “Parnellism and Crime” many of them are set out, and my learned friend Mr. Reid, at page 3281, accepts them as set out in “Parnellism and Crime” as being correct, subject to correction, which correction my friend never made. Therefore, my Lord, I would refer you (and I think I am entitled so to do) to those articles, as set out, and which are admitted to be correctly set out. I hope you will relieve me from entering into further detail by reading further articles, they being upon the note.

We now therefore quote the necessarily somewhat long examination of what was done by a press—not a press, by the way, supporting the Land League—but the press which the Land League itself had sent forth in its own behalf. By every one of these three newspapers—the “Irishman,” “United Ireland,” and the “Irish World,”—was this seed being sown of inducement to the Irish tenant to regard crime as a virtue, and an inducement therefore to commit the crime the causes of which your Lordship is dealing with.

My friend, whose assistance I have, thinks I may add one other very general observation. That is a statement at page 3281, dealing with the period of the 11th of April 1882. We have a quotation from the “Freeman’s Journal,” where it says—

“ All parts of Ford’s paper teem with praises of the political agent called ‘dynamite.’ ”

We were going at that time through the extracts in “Parnellism and Crime,” and these statements are admitted now to be correct by Mr. Reid.

The Attorney-General says this:—

“ The next one that I think I have to refer to my Lord is, at page 201,”—that would be the Blue Book—

“ and is the “Freeman’s Journal” of the 11th of April 1882. There is one rather important one at page 200. I will accept what my friend says as far as

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“ I can. He will tell me whether he requires proof in any of these cases. ‘ All
 “ ‘ parts of Ford’s paper teem with praises of the political agent called “dynamite.” ’
 “ Then at the bottom of the page, Mr. T. P. O’Connor says: ‘ Ford, in his issue
 “ ‘ of September 15th, 1883, sitting with us in the private office of the “ Irish
 “ ‘ World,’ Brooklyn, the night before he sailed for Ireland, informed us that
 “ ‘ Mr. Parnell told him the first subscription that was ever paid into the
 “ ‘ organisation was from “Transatlantic.” ’ ”

(*The President.*) Where is the admission of the “ Freeman’s Journal ” ?

(*Sir H. James.*) Will your Lordship look twelve lines lower down? The Attorney-General says:—

“ That, I presume, we may take from ‘ Freeman’s Journal.’ (*Mr. R. T. Reid.*)
 “ As far as I know. I have no means of correcting them. The admission was
 “ general, subject to correction.”

(*The President.*) Very well.

(*Sir H. James.*) Will your Lordship look at the next sentence to what I read first? Mr. Reid says:—

“ I do not want any of them at present. I do not know that any of them are
 “ inaccurate.”

(*The President.*) Page 201, you say, is of the Blue Book?

(*Sir H. James.*) Yes.

(*The President.*) The reference to the “ Freeman’s Journal ” appears to be this:—

“ The one gave Ford his cue about the murders, and thanked him for a heavy
 “ subsidy; the other scouted a suggestion in the Dublin ‘ Freeman ’ that the
 “ League should offer a reward for the assassin’s arrest, and declared the writer’s
 “ ‘ determination that if one penny of the Land League Fund were voted for such
 “ ‘ a purpose he would at once resign the treasurership.’—‘ Irish World,’ May 20th,
 “ 1882.”

I suppose that is what this referred to.

(*Sir H. James.*) I have it at page 200:—

“ We produce some few and faint reflections of the beneficent effulgence that
 “ emanates from this prime source of the subscriptions for which Mr. Gladstone
 “ demands our toleration and our gratitude. All parts of Ford’s paper teem with
 “ praises of ‘ the political agent called “Dynamite.” ’ ”

(*The President.*) But what I have now in my mind is this: I understand you to say that Mr. Reid admitted such articles from the “ Irish World,” as appeared in the leading article in the “ Times ” ?

(*Sir H. James.*) Further, I think; all the articles quoted from any paper which were referred to as authority by the “ Times.”

(*The President.*) Is that so?

(*Sir H. James.*) It was very general. He relieved us from reading. It was very general.

(*The President.*) Yes.

“ That I presume we may take from “ Freeman’s Journal.” (*Mr. R. T. Reid.*)
 “ As far as I know. I have no means of correcting them. The admission was
 “ general, subject to correction.”

(*Sir H. James.*) Yes, of course, when a newspaper says we say so-and-so, they are answerable for it.

(*The President.*) The “ Freeman’s Journal ” is not in the same position as the other papers, is it? It has not been proved to have been?

(*Sir H. James.*) No.

(*The President.*) That is the difficulty I have about the “ Freeman’s Journal.”

(*Sir H. James.*) We should not say it proved the fact. We do not say it proves the fact, because we have not established the agency of the “ Freeman’s Journal.” When the newspaper says, “ We read in the ‘ Freeman’s Journal,’ it will not carry us as far

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towards our destination; but we did ask leave, and obtained sanction to show it did appear in the newspaper quoted from; that was all.

(*The President.*) Very well.

(*Sir H. James.*) It shows the quotation is correct. There is no other object.

I am sure your Lordships will be willing I should pass away from establishing the proposition I endeavoured to lay down with respect to the matter which was scattered by the press. I now refer still to the events of 1881, with the object of showing your Lordship there was no real cause for crime, except this artificial creation of it. There was an important event, my Lord, that occurred in 1881. That was the passing of the Land Act of that year. I am relieved again from troubling your Lordships in detail as to the provisions of that Act. I do not know that I need refer to it, except to say it was a great measure of relief to the Irish tenant. It placed him in a very great position of safety compared with that which he had occupied before. I am so relieved, because my learned friend, Sir Charles Russell, says (at page 3720) in his speech, that that Act was the first great charter of freedom to the Irish tenant. Then, my Lord, again at page 3725: "I admit," says my learned friend, "that the Land Act was a 'great charter' (using the same term) 'for the Irish people.'" Well, that is an admission I wish to make use of in this sense, that it was a great charter, and a great assistance; but it was not so treated, and was not so accepted. If it had been, it would have done something to allay crime; but if it were put on one side, and if the tenants who were to be benefited by it were told, "Oh, this will do you no good," why, then, of course, my Lord, it would do nothing in the way of soothing, and the tenant would be convinced that Parliamentary action had failed, and he would be driven to action of another character. Now, looking at what my learned friend has said, it is necessary to see how that Act was received in Ireland by the leaders who could have used it for good, but who really did use it for evil. First, my Lord, compare the statement of "United Ireland" on the 15th October 1881, which is set out at page 4036. There it says:

"The organisation which he strove to crush"—

That is the Land League—

"has received a plenary national commission to see whether that Act can be
"used as an instrument to destroy landlordism and English rule; if it cannot, to
"put the Act contemptuously aside, and destroy landlordism without it."

That was Mr. O'Brien's paper and Mr. Parnell's paper. May I remind you that that Land Act had given to the tenant, first, the power of reducing his rent to the just level that a tribunal should determine. It had also given to the tenant redress for the grievances which I think we may say he had a right to complain of. Its effect was that he could not be dispossessed of his improvements in the land, and it gave him a fixity of tenure for 15 years when his rent had been judicially settled. Then there was to be a time of resettlement. That was intended to have practical effect, and it seems in one direction to have had good effect. I take my learned friend Sir Charles Russell's statement at page 3754. At that page my friend gives the effect of the working of the Act with respect to rent. There is a table in the middle of the page where Sir Charles Russell gives the reductions under the Land Act. Beginning with the year 1881, when the Act came into operation, and including 1887, when there was a second adjustment in consequence of the fall of prices, there is an average reduction of 22 per cent. per annum during those six years. Of course these are the reductions that occurred upon different farms during each year. It is possible that in 1887 the same farm may have been readjusted. These were the reductions which took place in each year, beginning with 20·5 per cent., 19·6 per cent., 18·9 per cent., 18·2 per cent., 24 per cent., and 31·1 per cent. The average reduction, including the heavy reduction in 1887 of 31 per cent., is 22 per cent. Well, there are two views to be taken of that. One must not introduce any knowledge into this case except what appears in evidence.

(*Mr. Davitt.*) That, of course, refers to the cases which were actually brought into the Land Court.

(*Sir H. James.*) Yes. That, of course, is the judicial rent, and did not refer to the leaseholders; but I presume the tenants with a fair rent did not go into court, and the tenants who wanted a reduction did. Therefore Mr. Davitt's observation points in

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the direction I wish to insist upon. We must not, as I say, introduce any knowledge we have; but I presume this must be taken as common knowledge, that this was a period during which deductions of rent were going on in England and elsewhere. I do not know that 22 per cent. will be found to be an excessive reduction in consequence of the fall in prices—a happy fall in prices for the consumer.

(*Mr. Justice A. L. Smith.*) Where do you get your 22 per cent. from?

(*Sir H. James.*) By adding up the per-centages from the column 31 to 20, and then dividing by six.

(*Mr. Justice A. L. Smith.*) I quite see, now.

(*Sir H. James.*) 132·3 is the product, and dividing by 6 we get 22 and a very small fraction. Mr. Davitt has pointed out that this does not refer to all the tenants; but we may take, I think, an example of a deduction upon a good landlord, which my friend Sir Charles Russell gave. I will introduce nothing myself; but a little lower down on that page your Lordship will see Sir Charles Russell says:—

“And I am glad to give as an instance of a ‘good’ landlord, a member of the present Parliament, sitting on the same side of the House on which the Attorney-General sits; I mean Mr. A. H. Smith-Barry, the Member of Parliament, and I will give your Lordships some figures taken indiscriminately from his land cases.”

Your Lordships will see there that the rent of 394*l.* per annum is reduced to 303*l.* or 91*l.* upon 394*l.*, which is a little in excess of the 22 per cent. That was the reduction upon a good landlord's property.

Now, my Lord, I wish to present, if you will permit me, some further views of those who were leaders amongst these men, taken at the time when this Act came into operation, when this great charter of freedom to the tenant, according to my friend now, came into operation. We have Mr. Egan's view at page 3380, in a letter dated the 26th July:—

“I perceive”

says Mr. Egan

“We are going to have trouble in the near future.”

This is from the treasurer of the Land League.

“Already the Whigs are endeavouring to raise their heads, and to get up a chorus of ‘Thanks to Gladstone.’ The ‘Freeman's Journal’ led off on yesterday with a most dastardly article, but we will trample upon any such attempts as we did before, and we will not rest until we have made it impossible to any longer carry on this system of landlord plunder.”

Then, my Lord, we have the statement of Mr. Dillon at page 4102. It is taken from a speech which is proved at page 473 of the speeches. It was put to Mr. Parnell at the page I have given you, 4102:—

“I say,”

says Mr. Dillon

“Better for no Land Bill, better for the tenants of Ulster to come into the Land League like men, and defend their farms like men as the men of Tipperary, Mayo, and Galway. Better trust that, than go into the court and submit their cases to the county court judge.”

That is put to Mr. Parnell, and he is asked,—

“Do you consider that that speech would conduce to constitutional action as distinct from breaches of the law? (A.) I had occasion to take a great deal of exception to several passages in Mr. Dillon's speeches at that time.”

Mr. Parnell may have done so, but Mr. Dillon was one of the organisers of 1881—active until his arrest; following Mr. Davitt after Mr. Davitt had been imprisoned. Under those circumstances Mr. Dillon following Mr. Davitt, of course, had been making speeches. Mr. Parnell was disapproving of those speeches. Where did he in public, or how did he in public, ever attempt to counteract their influence. He allowed, as he says here, speeches which he took a great deal of exception to. Not one, but several speeches made by Mr. Dillon at that time; but we cannot find he

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ever once had in public remonstrated with Mr. Dillon, or expressed his disapproval of the speeches to which he was taking a great deal of exception.

My Lords, I regret to go back even for a moment, but may I remind you that when that article was read, which I read from "United Ireland" about "Mr. Gladstone in his fit," that the Act could be used to destroy landlordism, and that it must be put aside. That article was put to Mr. William O'Brien at page 4719, and he is asked, "Do you represent that gave the Land Act a fair trial after the Convention," and he says, "No, that is representing my own very strong view," and putting Mr. O'Brien's own view in "United Ireland," your Lordship will recollect that I referred at page 4043 to the view expressed of the Land Act in the "Irishman" at the same time, October 1881, where it says: "Let the Land Act try itself." There is another expression of opinion by Mr. Thomas Power O'Connor in speaking in America in the early spring of 1882, the 11th February 1882, at page 5247. In speaking at Kansas, at a little earlier date than the 11th February (it is reported in "United Ireland" on the 11th February) he said:

"Gladstone's policy was to fix a relation between the landlord and the tenant; the policy of the League was to abolish the relation and trample landlordism beneath his heels. Gladstone's Land Act and the Land League were precisely of opposite principles."

My Lords, I am endeavouring to urge upon you that the great charter that gave relief to these tenants, as now admitted, represented exactly the opposite principle to that of the Land League. The Land Act was an act of conciliation and, as friends of the tenant farmers will say, of justice. The principles of the Land League had nothing to do with either of those two considerations.

I have one endorsement to Mr. O'Connor's views which you will recollect. At page 3381, there is a letter from Mr. Parnell which says that Mr. O'Connor will start for America early in October, and "will represent my views and those of the Irish organisation," and my Lords, I am sure Mr. Davitt, and every one in Court will agree that no one was more able to represent the views of the Land League than Mr. Power O'Connor.

(Mr. Davitt.) I do not.

(Sir H. James.) My Lords, at page 3381, there is also a statement of Mr. Parnell himself, who writes to Patrick Ford on old 1st October 1881, to which I venture to call your attention:—

"The tenants were instructed,"
says Mr. Parnell,

"not to use the rent-fixing clauses of the Land Act but to keep out of Court,
"and follow the old lines and rely upon old methods. The executive was
"empowered to select test cases."

Your Lordship will kindly notice these words:—

"In order that tenants in surrounding districts may understand the worth-
"lessness of the Land Act."

Your Lordship will find that when writing to America, and the extreme section of the Nationalists was a powerful section, Mr. Parnell who had ordered test cases to be used in Ireland points out the object, to show the worthlessness of the Land Act, and this, so far as we can judge, the leaders of the Land League were determining and taking care that the tenants in Ireland, and also the extreme Nationalists in America should believe that the Land Act was to do us no good, and that its worthlessness was a thing to be demonstrated.

Again, I think, in reference to this matter, I have referred to the statements before, but I wish to refer to my learned friend Sir Charles Russell's words, which seem to me to be of importance. At page 3649, my learned friend quotes this with approval. He proceeds to say that your Lordships may accept it, a statement or evidence that was given before the Committee, which was moved for by Mr. John Bright as early as the year 1852. My learned friend calls your attention to these words:—

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The witness says:—

“I think the Tenant League has a directly opposite effect, inasmuch as hopes
“are held out that the condition of the tenant may be improved; and, I think,
“that very expectation tends very much to promote peace.”

That was an inquiry, my Lords, into crime.

“And that any hope which is at all afforded, that at any prospective time
“protection will come in the shape of a quiet and peaceful arrangement of the
“differences between landlord and tenant tends very much to the preservation
“of peace.”

My Lords, I will not go out of my learned friend Sir Charles Russell's mode of thought. Regarding that as a great charter to the Irish tenant, securing him a fair rent and fixity of tenure, it must have given him every hope of a time when there would be a peaceful and quiet arrangement of differences between landlord and tenant. What would that do if the tenant so regarded it? It would promote peace between the landlord and tenant, and between the people who were attacking and the people attacked in Ireland; and that which is my learned friend Sir Charles Russell's view, I submit to you too, was the view also of the Land League leaders, and knowing, therefore, that if the tenant could see this hope of peace, could see there was this arrangement made between them and the landlord to give them hope peace would be, therefore, promoted, or may be secured, the course was taken to say no words of approval for this Land Act; never to point it out to the tenant as being an Act which would afford any hope of peace, but its worthlessness was insisted upon by the more extreme section, such as Mr. Dillon, by “United Ireland,” and the “Irishman,” and also expressed by Mr. Parnell himself, when he says that test cases were used for the purpose of showing the worthlessness of the Act, and the Act only.

My Lords, I am glad now to say I have concluded another topic, namely, the Land Act, and the effect of the Land Act. The way it ought to have been received and the way in which it was received I have dealt with, and I will go now, if you will allow me, to another topic quite distinct. I wish now to deal with the way in which justice, administered for the protection of those upon whom outrages were committed, was met and attempted to be defeated by those who were acting as leaders or under the control of the leaders of the Land League. The interference with justice was attempted in different ways, there was, as I will call your Lordship's attention to, an attempt to disaffect the police, there was a refusal to give any information in encouragement of that view, there was also intimidation brought to bear on jurors, practical intimidation extending to outrage, and then there was too a systematic defence of all prisoners, whether guilty or innocent if those prisoners had committed agrarian crimes, certainly if they had committed crimes when carrying out the edicts of the Land League.

I will take that last subject first, namely, the defence of prisoners. I am speaking now of the prisoners who had committed agrarian outrages, and I will call your attention to this first, generally, that if this defence of prisoners was justified upon the ground that there was maladministration of justice in Ireland, you would have thought that the defence would have been of a very general character indeed, but the defence was confined to the prisoners who had committed agrarian outrages. My Lords, if my learned friend Sir Charles Russell's theory of secret societies, forming the bodies that committed crime, and acting hostilely to the League, be a sound theory, those secret societies and the members of them being enemies to the League, one asks oneself, why did the League devote its funds in defending the enemies of the League, and defending the men who were hostile to it?

Then, my Lords, I cannot of course, advance to your Lordships the argument that it might not be a commendable act to subscribe to assist a prisoner in his defence. In the first place, you may believe that a prisoner is innocent, and that he has not the means of being defended, and the charity of men, and the justice of men would move them to see that such a person was rightly defended; but what is the complaint here? It is that these prisoners were defended without any inquiry as to their probable guilt or innocence. That they were defended simply upon the ground that they were charged with offences which had been committed whilst acting, as Mr. Parnell says, in accordance with the principles of the League, and as we say also whilst carrying out

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the very edicts of the League, and the worst of it was that this defence of prisoners was not one that came to the knowledge of the prisoners after they had been convicted. I say, my Lords, it is a sad feature in this case, one to which I have already referred, that a conspicuous member of Parliament should have promised the people who had not committed crime that if they did, they should be properly defended.

Your Lordship will recollect Mr. Biggar's speech on the 10th October at page 192 of the speeches. It is a speech in a district where much crime has existed—in Castleisland. I have read part of it already for another purpose.

“There is another question which has been raised very much. The Land League are unfairly charged with the shooting of landlords. It is no part of the duty of the Land League to recommend the shooting of landlords for a great variety of reasons. They never have given any advice of the sort. Mr. Hussey may be a very bad man, and plenty of other men are as bad as Mr. Hussey, but I can tell you what the Land League can do. If anyone is charged with shooting or offering violence to the landlord or his agent, it is the duty of the Land League to see that that person who is charged with the offence shall get a fair trial.”

Your Lordship sees it is not a general instruction to counsel or attorney to see that everyone gets a fair trial, but if you, listening to me, shot at a landlord or an agent, either one of those two classes of persons, we will assist you in getting a fair trial.

“What is the good of a man shooting a landlord? First of all, the Government offers an enormous reward; for a large sum of money, some one may commit perjury against one for whom a grudge may be felt, or against whom there is no cause of suspicion but of the very vaguest kind, may take place. Then the police take care that if they hear anything of a suspicious nature, they bring him before the magistrates, and take care, if anything is in favour of the prisoner at the bar, shall be suppressed, and use every means in their power for a conviction. Then again, the magistrates who hear the case are all partisans against the prisoner at the bar, and in favour of their own class. Then again, if any case whatever is made against the prisoner, and he is sent forward for trial at the assizes, the Government take care to pack the jury, they bring down the ablest counsel at the bar, who try, if possible, to twist any little”——

Then there is a blank there.

“At their command for the means of bringing about a conviction. Well, you, the members of the local Land League, can use your exertions to get everything in favour of the person who is charged with such a crime as shooting a landlord. You can take care an innocent man shall not suffer the penalty he is not entitled to suffer.”

Now, your Lordship sees what that means when we look at the intimidation shown to jurors, when we look at the publication of the jury list by Mr. O'Brien, we can understand in what terror juries, particularly juries in an agrarian district, would be in, when they see that the prisoner has the advantage of being defended by the Land League. I do not know that they ought to be precluded, being members of the Land League, from defending persons whom they thought to be innocent, but this systematic defence, founded on a pre-promise, that if you shoot certain persons so that your offence be of an agrarian character, we, the Land League, will defend you, meant that the person who, if he committed a crime and went into court, he would go into court with the mark upon him to the jury, that the Land League so far approved of the position he occupied as to send their solicitor to sit by his side, and a counsel selected by their solicitor to defend him. My Lords, you know the course that was taken with reference to the defence of the prisoners. I am justified, therefore, in saying that the defence was a systematic defence. The evidence upon this point as to the defence of the prisoners will be found principally in the evidence of Mr. Daly, who was a solicitor at Ballinrobe, in Mayo, and it is to be noted from Mr. Daly's evidence, given at page 2402, that we learn that this defence of prisoners was commenced immediately after the institution of the Land League. On that page, at question

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42,550, he is asked—

“During what time did the occurrence you defended take place—during what years? (A.) I should say from 1879, the opening of the agitation in the West of Ireland, down to about 1883.”

Then, my Lords, it will be shown to you by the books, such as we have, that the funds of the Land League were applied as early as January 1880. We have that proved at page 5347 by Dr. Kenny, in one of the books put into his hands. Under date 13th January, 1880, appears an item “To cash handed to James Daly, Castlebar, 50l.”; and again under date of the 20th January, 1880, “To cash handed Rev. J. W. Scally, Kilmadigue, towards defence of prisoners, 10l.” Of course, there was no trial of suspects, and the Act was not passed at this time. Then, “February 25th, to advance P. J. B. Daly, solicitor for defence, 20l.” I am reading from page 5348. “June 21st. To defence prisoners, Sligo, 10l.”; that I understand follows an entry in respect to Mr. Harris, and it may be to him. “To P. J. B. Daly, Ballinrobe, on 7th, law expenses, 100l.” Then, “To Rev. John Stenson, legal expenses, 10l. To T. Harrington, for defence prisoners, 5l.” Of course, the point of that is, that that money was so applied by those in charge of the Land League without any authority, or without anything appearing in the rules of the Land League, to justify that. I cannot find in any of the resolutions, in any of the statements, or in any of the rules anything which relates to the defence of prisoners charged with agrarian crime; but it seems to have been the natural action of the Land League leaders to allow the defence of these prisoners to be paid for out of the Land League funds, as if that had been one of the objects of the fund, as described by Mr. Biggar. There is a particular instance of money thus applied at page 4802; it is something which appeared in the “Nation” of August 1881. It is dealing with the defence of the prisoners charged with Mr. Boyd’s murder:

“The response to their appeal was generous and encouraging. 600l. were placed at their disposal. It will need nearly 200l. more, Father Furlong says, to discharge all liabilities of the committee. On Tuesday, the Land League granted 50l. towards this sum, and we are sure the people of Ireland will not be slow in subscribing the remainder.”

Those prisoners, my Lord, were charged with Mr. Boyd’s murder, and they were found not guilty. Then at page 4556 there is evidence given by Mr. White that when persons were arrested for the murder of a man named Lenane, they were sent to gaol to Ennis, and a solicitor was employed. Mr. White was asked, at question 69,155:—

“By whom? (A.) Very likely by the branch of the League. (Q.) Of which you were president?”

Which was the case.

“Who paid him? (A.) Very likely it was the secretary. I cannot remember. (Q.) Would it very likely be the secretary? (A.) I really do not remember. (Q.) If he was employed by the branch of the Land League, who would pay? (A.) Perhaps it would be the treasurer, who had charge of the money.”

Now, my Lords, it is also to be learnt from Mr. Daly what were his instructions. At page 2402 he describes the way in which these instructions were given to him. First he said he did not communicate in any way with the Land League direct, that is put to him in chief:—

“No, not as regards the murder cases. (Q.) What did you do about your costs? (A.) I got paid, I think, altogether from the Land League about 300l. or 400l.—miscellaneous costs. I could not exactly say they were for the cases mentioned here. (Q.) Did you get any instructions from anybody connected with the Land League? (A.) Yes. (Q.) Who? (A.) Well, I got instructions from several local members of the Land League from time to time, and I got instructions from Mr. Walsh, who was then acting as a kind of local agent in the west of Ireland, and also in Dublin. (Q.) Local agent for what? (A.) Well, he was acting for the Land League in general just about the opening of the

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“ agitation. (*Sir C. Russell.*) What is his name? (*A.*) John Walsh. (*The Attorney-General.*) Is he in Ireland now? (*A.*) No, in Australia, I think. (*Sir C. Russell.*) Is that the Balla man? (*A.*) Yes. (*The Attorney-General.*) He was then of Balla? (*A.*) He was then of Balla. He was a commercial traveller, I think, at that time; but he was a native of Balla. (*Q.*) Did you have any instructions from anyone else, directly connected with the central office of the Land League besides John Walsh. (*A.*) I do not think so, except he informed me he had instructions from Davitt and Egan for me to defend in cases that would be sent on; that I would be paid for them. I do not know how true that is. (*Q.*) You did defend these cases after you had received these instructions? (*A.*) Yes, I defended several from 1881, I think, or 1879, or 1880; at all events from 1880 to 1883 I defended every case I was instructed.”

The Court adjourned for a short time.

My Lords, continuing the question of the defence of the prisoners, you will find a summary of Mr. Daly's evidence, the solicitor who mainly defended the prisoners, at page 2405. Having said, as Mr. Daly did, that he received no instructions from the Land League in murder cases, my learned friend the Attorney-General says:—

“ Perhaps my Lord will put the question—To whom did you send the Bill in those murder cases?”

It is question 42,609.—

“ I sent them in to the Land League office. I received general instructions to defend all crime, and I sent it in to the Land League office. I received general instructions to defend all classes of cases, and acting upon those instructions, whether those cases came under this particular head or not, I defended all cases.”

Your Lordships will recollect there have been put in before you in evidence—I do not know that I need refer to them—printed forms bearing upon some of these cases in order that the Land League in Dublin may learn the nature of the offences. Here are some in my hand now. It is only a matter of the form of inquiry as to what is the nature of the offence. They are in the possession of the officer, and I happen to have two of them here which I have been looking at. It is a form, so that it shall be known what is the nature of the offence. In a document found in the possession of Miss O'Connor, which I shall have to refer to upon another point, after the formation of the Ladies Land League there are entries of the defence of ordinary prisoners. That was carried on by Mr. Daly, and there was also information given by a Mr. Tigh, at page 2390, that he defended prisoners, but he did not defend them to the same extent that Mr. Daly defended them.

Instances are given also by Mr. Craigh at page 2820. At page 2819 also Mr. Craigh proves the defence of the Moonlighters at Moybella. In many of these cases you may take it the men were acquitted, but these were the men who had committed the moonlight outrage at Moybella, which is proved by Mr. Craigh at page 2819.

(*The President.*) I observe in Mr. Daly's evidence he says:—

“ I received general instructions to defend all classes of cases, and acting upon those instructions, whether they came under this particular head or not, I defended all cases.”

What is “ this particular head?”

(*Sir H. James.*) Murder, my Lord, because he had drawn a distinction. It is right, I should say, that Mr. Daly had said he did not receive direct instructions from the League.

(*The President.*) I am aware; but what I wanted to see was whether any limitation as to the class of case was mentioned?

(*Sir H. James.*) None.

(*Mr. Davitt.*) I think he admitted afterwards that he was never paid by the Land League for any case in which a person was charged with murder. He either said it in

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direct examination, or in cross-examination that he never was paid by the Land League for defending any case of murder that was committed.

(*The President.*) My memory is the other way.

(*Mr. Davitt.*) I may be wrong.

(*The President.*) I think you will find that he was paid equally for murder cases as for others; but what I wanted to find out was whether there was any limitation or not with regard to any other offences.

(*Sir H. James.*) No other, my Lord. I can find no trace of a defence for murder where it was one of individual action, as I term it. And will your Lordship allow me to anticipate now what I was about to say to you. When we come to read, as we have in this case, of the trial of the Phoenix Park murderers, we find no trace of their being defended by the Land League. If justice was badly administered in Ireland that the Crown would improperly employ its power against prisoners who had committed offences of even a political character, here the Phoenix Park murder was a conspicuous instance that that power might be abused, for it was clearly a murder case, which could be brought home to those immediately connected with the executive in Ireland. The League in that case does not defend those murderers on the ground that they might not have a fair trial; and if there is justification in defending those agrarian cases, why does not the same justification cause the Land League to defend the Phoenix Park murderers, and yet they did not do so, because, as I am submitting to your Lordship, it was not an agrarian crime.

(*The President.*) I quite follow that. I only wanted to see if you could call my attention to any evidence in which there was such a limitation in words.

(*Sir H. James.*) That class of crime does not seem to be distinguished. There is no distinction between agrarian crime and other crimes, but, looking at all the documents put in in this case, I can find no trace of any defence of a prisoner for a crime which I have described as of an individual character, as distinguished from agrarian.

Then, my Lords, I do say the evidence of Mr. Tigh is not so important as that of Mr. Daly. Will you also note at page 2821, we have proof that the Ladies' Land League, when the continued defending the prisoners, defended the men charged with blowing up Weston House, and at page 2122 (in that case the men were convicted) it is proved that there was a cheque signed by Mr. Parnell for that very amount for the defence of the prisoners charged with the Weston House explosion. Of course, I ought to say that Mr. Parnell's attention may or may not have been positively called to the particular character of the payment that was made. There was the fact that the cheque was signed by Mr. Parnell, at page 2122.

(*Mr. Davitt.*) It was afterwards explained by Mr. Harris that Mr. Parnell knew nothing about that.

(*The President.*) Sir Henry says so.

(*Sir H. James.*) I have endeavoured to convey that. I am putting it that there was no knowledge brought to the mind of Mr. Parnell.

Mr. McInnerny, who was a barister, has given your Lordships information, at page 4471, as to the prisoners he was in the habit of defending, and you will find that the offences charged are all of an agrarian character.

Would you also, my Lords, note that the system of defence was carried on materially, and almost entirely, by means of the agency of some gentlemen who have been mentioned, Messrs. McGough and Fowler, who were the solicitors. The bills were handed to them, and instructions were given by them. When you come to add up the list of witnesses who could have given you most important information, some of whom have been vouched as witnesses about to be called, and who were not called, there will be found in that list I shall present to you certainly the names of Messrs. McGough and Fowler. The Land League books do not afford us the assistance that enables us to present to you the amount expended in defending these persons who committed agrarian crime. I presume Messrs. McGough and Fowler would, in the course of the performance of their duty, have made entries of all moneys that passed through their hands; and all these transactions would be known to them. But we have not one word of evidence from Mr. McGough, who could have given you information on this point.

Generally, there is this observation to be made in the matter. It is that Mr. Parnell himself says that in August 1881 he found the practice going on, but he thought it

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objectionable, and discouraged it. He did not stop it. It was in the second examination at page 6188. He says:—

“As soon as I found the practice had grown up I did my best to put a stop to it. (Q.) What?—(A.) I say, as soon as I found the practice of defending prisoners had grown up, I did my best to discourage it and to put a stop to it. (Q.) When?—(A.) Towards the end of 1881, the year in which the Land Act was passed. (Q.) Towards the end of 1881. What do you mean by towards the end of 1881?—(A.) Towards the end of the year 1881. (Q.) What do you mean by towards the end. Do you mean when you were in Kilmainham?—(A.) No, not at all; when I reorganised the office. (Q.) Do I understand you to say you put a stop to it in August 1881?—(A.) No, I did not put a stop to it. I said, I was taking steps to discourage it. I formed the opinion that it ought to be discouraged. I found it was going on to a considerable extent. I formed the opinion that it ought to be discouraged, and I communicated my views to those in authority.”

He says he communicated his views to Mr. Arthur O'Connor. But whoever he communicated his views to, that communication had not the effect of stopping the practice. Mr. Parnell himself, I presume, seeing the danger of it, seems to have objected to it, and yet allowed it to continue.

There is one case to which I must call your Lordships' attention, as much mention has been made of it. It is a case referred to by Mr. Gladstone in the House of Commons. It is at page 3342. I do not refer at any length to Mr. Gladstone's speech; but you will see he calls the attention of the House to the defence of the prisoner, “who” he says “I believe was associated with Captain Moonlight”:—

“My right Honourable and learned friend stated”—that is the Attorney-General for Ireland—“on his own knowledge that the counsel for the prisoner had received a fee of 100 guineas, and he asked in the face of the House, whether that 100 guineas was or was not contributed from the funds of the Land League. No answer has ever been made to that question. I hope it will be answered; but when we consider what has taken place in Ireland; the language that has been held, the natural effect of that language upon uneducated minds, the tendency of every movement of this kind to draw into its own channel, and to imbue with its own spirit that part of the population who are naturally the most restless, or the most prone to crime, I cannot but say that I think it is in the power of some gentlemen, who regard themselves as more than any others as representatives of the Irish people, to repress outrage; but instead of doing [much in that direction, they appear to me to be doing nothing at all.”

My Lords, of course I do not wish for one moment to rely upon anybody's opinion; but that was the notice that was called to Mr. Parnell's attention at page 4140, and the question that is put to Mr. Parnell is this:—

“Did it or not come to your notice that on the 16th of February 1882, the Attorney-General for Ireland who was then Mr. Johnson, in the presence of Mr. Healy, Mr. T. D. Sullivan, Mr. Redmond, and some others referred to the fact”

of this defence? And then, my Lords, these words were read that I have read to you. Mr. Parnell's answer was:—

“I do not think that I have ever heard of that particular statement, but I heard that it had been stated that Land League cheques, or cheques out of the funds of the Land League, had been given for the defence of these Moonlighters at Cork. (Q.) One hundred guineas?—(A.) I think I must have heard about it at the time. (Q.) Was Mr. O'Reardon the counsel?—(A.) I could not tell you. (Q.) A Queen's counsel, I think?—(A.) I do not know. (Q.) Do you know Mr. O'Reardon?—(A.) No, I have not the pleasure of knowing him. (Q.) Did one of those Moonlighters turn Queen's evidence. (Q.) Connell?—(A.) A man named O'Connell. (Q.) A man named Connell or O'Connell?—(A.) A man named Connell or O'Connell, whom I had certain information had committed a cruel murder shortly before

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“ upon a young man named Leary, was accepted as Queen’s evidence by the Crown,
 “ against a number of persons who were accused of much lesser offences than that
 “ of murder, and, I believe, to the knowledge of the constabulary of the district.
 “ (Q.) When had you the knowledge that Connell had committed the crime of
 “ murder?—(A.) I obtained that knowledge in Kilmainham prison. (Q.) Before
 “ the trial?—(A.) At the time of the trial. (Q.) How long before the trial;
 “ how many days before the trial did you obtain that knowledge?—(A.) I cannot
 “ say that it was before the trial; it was about. (Q.) At the time?—(A.) At the
 “ time when O’Connell or Connell turned informer. (Q.) From whom?—(A.)
 “ I obtained that from a moonlighter who was then in Kilmainham. (Q.) Who?
 “ (A.) I could not tell you his name. I dare say I could get it for you. He was
 “ brought into Kilmainham, and he requested an interview with me, stating he
 “ had something to state. (Q.) Did you communicate that to the authorities?—
 “ (A.) I did not. I believe that the authorities were perfectly aware of the
 “ fact already. (Q.) Whether you believe they were aware of it or not, why did
 “ you not communicate it?—(A.) Because I did not think it would have the
 “ slightest effect upon the mind of the authorities. They had accepted the man
 “ as Queen’s evidence; they must have known his history as well as I did; then
 “ they must have known that he had deliberately shot down Leary in cold blood,
 “ and without the slightest provocation, and when they had accepted evidence for
 “ the Queen on a charge against a number of persons, 50, I think, in number, of
 “ much less gravity than that of murder, I considered that no representation
 “ of mine would have had the slightest effect upon them.”

My Lord, I have a very serious word to say about this, apart from this defence of prisoners and defending this man O’Connell, the moonlighter, and the Land League finding the money, your Lordship has upon this evidence that in Kilmainham a moonlighter communicated to Mr. Parnell, that this man O’Connell had, in cold blood, as he termed it, shot down a person named Leary, and having obtained that information, Mr. Parnell does nothing upon it. Whether this was before the trial or not I will not stop to inquire, but my Lord, the point that arises which is a little way from the point we are immediately discussing, is, that Mr. Parnell keeps this secret in his breast, and none ever hears of it till he gives his evidence in the Court, and he knew according to the information which he seems to regard as correct, that a man named Leary had been murdered. Mr. Parnell also alleges that the authorities knew it; he does not give any reason for saying why they knew it, of course attention has been directed to this matter by Mr. Parnell, and all I can say, is, for I cannot of course prove the negative that no trace has ever been brought to the knowledge of any one that Leary had been murdered by this man O’Connell, but Mr. Parnell seems to say that when this information was given to him, he accepted the statement of a moonlighter whose evidence he seemed to rely upon as being correct, he keeps whatever he told him a perfect secret in his own breast, and if Leary had been murdered by O’Connell the person has gone unpunished, and the facts of the case either by Mr. Parnell or anyone else, have never been called to the attention of the authorities. There is only one other matter I wish to speak of in respect to this question which supports the view I desire to present to your Lordships, and although the words are uttered by a comparatively unknown man, yet they are very pertinent and, I think, display the condition of things which was existing in Ireland very truly. We have a speech that was put in at page 423 made on the 31st of January 1881 at a place called Ballygar by a person named McDonnell, and towards the close of that speech as it is reported, he says:—

“ They never could get an honest Irish jury to convict a man taken up from
 “ the Land League, and I trust in God we will have honest Irishmen on the jury
 “ in every case; let them arrest us, and as long as I see men around me I will
 “ never falter—I will never—until landlordism is swept away for ever.”

So, my Lords, what I ventured to suggest to you before seems to have been in the mind of that speaker, and what would be the case if, when a local Land League has what is termed taken up the case which went into court, with the solicitor of the Land League present, who sat before the jury, and the jury knew that the criminals were supported by the Land League, apart from the attack on Mr. Ford, apart from the

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threatening of jurors, one can understand that Mr. McDonnell knew the character of this jury well when he said that "an Irish jury would not be found to convict a man taken up by the Land League." I have one or two particular instances to give to you, in addition to the one I mentioned of O'Connell, and the proof your Lordship will find at page 5794. At that page we have a document that I think came out in the papers produced by a man named Farragher; it is about two-thirds down the page, commencing, "Dear sir," it is a letter signed by Dorris, your Lordship knows well who he is, 27th of September 1881, addressed to Mr. Burke:—

"The executive are anxious to give you some assistance in the case. They have directed me to send your statement to our solicitor, and to inquire what the costs of the bail motion would be. They are of opinion that the friends of the prisoners should subscribe half the expense. Yours faithfully."

Then the memorandum that is by Butterfield, whom Mr. Parnell recognised as an organiser is this:—

"Three men are in jail on a charge of intimidation and housebreaking, waiting their trial at Mullingar assizes, the 5th December. I must have a promise that a grant will be made for their families, and they will be defended by counsel, sent by executive; 2*l.* each would be well received, and they are really deserving."

My Lord, I do not know what we can have much more expressive of the encouragement of crime. What was the intimidation and housebreaking? It has a very close resemblance to moonlighting, and here without the suggestion that they are deserving because they are falsely charged, they are deserving being charged, therefore their families have to be supported, and these deserving men must have 2*l.* each.

Your Lordship will recollect these are the Land League documents. Dorris and Butterfield are the people connected with this matter. I refer you—that I may not make a statement that is not correct—to what Mr. Parnell says at page 4016, being asked about Mr. Butterfield as being an active organiser, he says, "Yes, a very active organiser." I think Mr. Parnell said there was a mistake in the Christian name of Butterfield. The person really spoken of is J. J. Butterfield. That appears at page 5797. The man whom we are speaking of—and Mr. Parnell is speaking of—is J. J. Butterfield; he is the organiser. Then to prove what was done at page 5797 your Lordship will not find much information there. It only refers to the exhibit D 2. You will recollect those are the books produced, D 1, 2, 3, 4, what are called the Land League books; and under the date of November 16th comes J. J. Butterfield 6*l.*, three prisoners awaiting trial 2*l.* each.

(*Mr. Davitt.*) May I ask if this was not a case where the man went into a house, having been evicted, taking forcible possession after eviction, not a case of moonlighting?

(*Sir H. James.*) I should be glad to be put right if it is so.

(*The President.*) I was just going to say that the force of it lies in intimidation.

(*Sir H. James.*) If Mr. Davitt will refer me to anything that bears out his view—in the mass of matter one may get things wrong—but I cannot find any words that will bear out the man Mr. Davitt is suggesting. Those are all the observations I have to make to your Lordship with respect to the defence of prisoners.

Now, as to giving information or securing the conviction of persons, I will take again the authority of Mr. Matthew Harris, at page 6097. Mr. Harris says:—

"If you assist in the smallest degree in the detection of a criminal connected with this agrarian crime, you would cease there and then to have the slightest public influence in Ireland. If Mr. Parnell were to give information of the humblest peasant in the county of Galway, he would cease to be a leader of the Irish people on the spot. There is something between an Irish leader and the people similar to that which is between a lawyer and his client. There is a sort of general moral sentiment that it would be a base or a bad thing to break confidence even with a criminal, supposing the man who gave you the information to be a political enemy. This has arisen out of the unhappy state of the country, but such is the case."

That covers a great deal of ground, because we have instance after instance showing that what Mr. Harris says, no doubt, is correct, and I need not refer to any probably,

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after the reference I made to the sad incident of the death of that young lad Walsh, and the imprisonment of the younger brother, and the view that is taken of the patriotic action of those who allow an innocent man to go to his death by those who are in authority. Further instances can be given. Will you allow me to refer you generally to the view Mr. Louden takes—a gentleman who is a member of the Irish Bar? At page 5773 he tells your Lordship that he knew that there had been a dozen people killed in the district of which he had been speaking; that the murders had been committed by a body whom he believed to be the Herd's League. Mr. Louden says he has the authority of a Roscommon policeman, of the name of Murphy, for the fact. I pointed out to your Lordship he was in error. Murphy had said nothing of the kind. Then he said he had known it in 1881, and that murders went on in 1882, and this league, to use his language, went spreading through Joyce's country. The murders went spreading through Joyce's country. And Mr. Louden knew the league was committing these murders, and yet he had not a word to say to stay their progress. This gentleman stood by. He said it was not his duty, and he did not do so. He says that at Question 89,972. Speaking of the Herd's League as late as August, he says, "and so it went on spreading." I have a reference to Question 89,309. He says:—

"All these outrages were committed at the instance of a body called the Herd's League, proved here by a policeman in Roscommon."

That is perfectly inaccurate:

"He swore he knew of the existence of a murder organisation"—
the man never said anything of the kind—

"started through the Land League themselves, somewhere in the neighbourhood of Castlereagh; and an emissary from their body came down to this district, and all the murders that were committed there, as the result of my investigation there, were committed either by or at the instance of that organisation, through the individuals in that organisation. (Q.) Please tell us what the Herd's League was?—(A.) Purely and simply a murder organisation. (Q.) Had the Herd's League anything whatever to do with the Land League?—(A.) Except to shoot Land Leaguers."

Then, I think I am right in my reference. There was an interval in the day, and Mr. Louden was further cross-examined, and at page 5801 I pressed Mr. Louden as to his knowledge of the Herd's League. Will your Lordship look at Question 89,864? He says:

"I will not say shoot, but they unquestionably committed grave outrage upon them. (Q.) Did you know that in 1881?—(A.) Yes. (Q.) You did?—Yes."

Then he is asked what steps he took to bring these men to justice, and he says he did not know the individual members of it. Then, at Question 89,871, he says:

"I took no steps whatever to give information to the Government or to the police, none whatever; but at the same time, so far as this organisation was concerned, I warned the young men on my own land not to take part, directly or indirectly, in any meetings over in Connemara."

Then a little later on you will see what must have struck anyone as being an extraordinary view for Mr. Louden to take.

(The President.) My attention has been called to the concluding passage of that page 5801:

"There is no sympathy between the police and the people, and in a case like that I consider it is the bounden duty of the Executive to detect crime, and the bounden duty of the Executive to hunt up anything in the shape of the Herd's League or any other murder organisation; and I do not believe that by any means it was part of my business."

(Sir H. James.) Quite so. Then at page 5806, Question 89,966, he is asked this:

"Had you information that any other murders besides the Lyden murder were committed by the Herd's League?—(A.) Yes. (Q.) What?—(A.) I heard

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“ the Huddy’s murder. (Q.) The date of that, please ?—(A.) I have not the date
 “ of it. I do not know. I do not know the date. (Q.) Is it August 1882 ?—
 “ (A.) And I heard that the arms supplied to the murderers—— (Q.) Stop, stop.
 “ January 1882 ?—(A.) Yes. (Q.) You heard what about the arms ?—(A.) I
 “ heard that the Maamtrasna murder was committed with arms supplied by the
 “ organiser of the Herd’s League. I heard they were supplied. (Q.) That was
 “ in August 1882 ?—(A.) Yes ; I do not know the dates. (Q.) So the murder
 “ organisation that you learned of in June 1881 went on spreading through
 “ Joyce’s country,”

(that was his language previously used),

“ and existed at least down to August 1882, and went on committing murders ;
 “ and you now again, I repeat, Mr. Louden, have told us all you thought it your
 “ duty to do to break up that murder organisation ?—(A.) Well, of course, Sir
 “ Henry, you may speak in that manner, but I did all that I thought I ought
 “ to. I spoke freely and openly, and perhaps risked my life in doing it at the
 “ time. I condemned the Herd’s League, I said they were Anti-Land Leaguers.
 “ I told the members of our organisation there was an organisation amongst
 “ them having for its object murder, and I told them who was at the bottom
 “ of it.”

I do not know whether he knew these men committed the Lyden murder before young Walsh was executed or not, but if he did, he stands by the side of Mrs. Walsh in letting that innocent man be executed. He says now he knew who was at the bottom of it. He suggests, without evidence, that that man Whelehan knew who was at the bottom of it, and he may have mentioned it to a person here and there, but he allowed for at least more than one year, this Herd’s League with their murders to go spreading through Joyce’s country, and committing these murders without raising his hand to prevent it ; and Mr. Louden is one of the founders of the Land League. He assisted at the Irishtown meeting at the commencement of the movement. This is the view that he expresses, and I have no doubt has expressed as freely as he has expressed it in the witness box. If such be the case, and if a gentleman in his position, a man of education and authority amongst at least the people of Mayo, shall take this view, my Lord, how could you expect those who listened to him and those who were ready to be led by him, would act otherwise than we know they did act.

I proceed to one other branch of the same subject, namely, either the non-assistance of, or the interference with, justice. I fancy that the key to the action of the community is to be found in the explanation Mr. Davitt gave of his views at page 5705. There Mr. Davitt says :—

“ If it is a crime that injures the community, it is in the interests of the
 “ community that the criminal should be discovered.”

That is the condition, if the crime injures the community. Then, of that the community must judge, I presume, and I hope I am not unduly paraphrasing Mr. Davitt’s statement, when I read that as meaning that if the crime does not injure the community it is not in the interest of the community that it should be detected. Then the community judges, and here we have the community judging, following their teachers, what crimes would injure and what crimes would not injure the community ; and, of course, if the crimes were, in the opinion of these persons (guided by individual judgment) who formed the community, not likely to injure the community, then, I presume, the detection was not desired, and steps, I think, were taken to prevent it. Let me give you an instance. There was a State trial of Mr. Parnell and others, which took place in December 1880 and January 1881 ; and then the newspaper to which we have now referred so often, writes as follows. The reference that is given is at page 3329. The writer of the “ Irish World ” is referring to the period to which I am referring. It refers to the gratitude of Mr. Parnell. It says :—

“ Thanks to the ‘ Irish World,’ and its readers, for their constant co-opera-
 “ tion and substantial support in our great cause. Let them have no fear for its
 “ ultimate success.”

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And this is signed, says the writer, "Charles Stewart Parnell."

"No wonder the hon. member, at that particular time, thanked the 'Irish World;' for on November 20th, 1880, there had appeared in the 'Irish World,' immediately before the opening of the trial, the following threat, and this, bear in mind, appeared in a paper a large number of copies of which were sent to Ireland and circulated from the office of the Land League."

That is the introduction.

" 'I dare them to convict,' says the writer, 'I say "dare" advisedly. Let my words go forth. Accursed be the juryman who will dare to find these men (the traversers) guilty of any crime against the people of Ireland.' "

My Lord, all that is true, as we know now. This paper has been circulated freely from the Land League office, and the Land League office would be careful of its chief's conviction, and here went forth from the paper that which, if it was worth my while, I could show was sought for by the leaders, and which the people were asking for; it went forth from that paper that the jury would be accursed if they dare commit, because this was a crime which the writer thought, in the interest of the community, ought not to be punished. I do not know that I could find stronger language than that, but we have an instance of Mr. John O'Connor at pages 1174 and 1177. Two witnesses speak to his words. They swear that Mr. John O'Connor, who has been a witness before you, was calling out in the streets of Cork, "Down with Cork jurors." I will give your Lordship the exact words. The witness, Inspector Rice, says his words were—

"Down with British law."

He says first:—

"I heard him myself call out; the whole crowd were calling out and cheering and yelling as loud as they could, but I heard this man, whom I did not know at the time; he was standing at the corner of the street, and he was calling out; he was cheering at the time and calling out, 'Down with British law; down with Cork jurors,' and he was cheering for Poff and Barrett."

(The President.) Mr. O'Connor denied that.

(Sir H. James.) I am coming to that. He denies it to a certain extent. The reference is page 5832.

Then we have the witness, Mr. Peter Fawcett, who says he heard him. He seems to have been in the Irish constabulary.

"(Q.) Did you see Mr. John O'Connor do anything, or did you hear what he said to the crowd?—(A.) Yes, at the 'Examiner' Office, Mr. O'Connor got outside an outside car with Mr. Maurice O'Donnell. Mr. O'Connor stood on the outside car, caught the railings round where the driver sits, and he several times shouted 'Down with the Cork jurors,' 'Groans for the Cork jurors.'"

Then Mr. O'Connor at page 5832 makes this statement:—

"(Q.) Is it true that you called out 'Down with British law'?—(A.) No; I said, 'Give us British law.'"

Then—

"(Q.) Did you call out 'Down with the Cork jurors'?—(A.) No; I said, "Down with packed juries.'"

So the question between the two witnesses on the one hand, and Mr. O'Connor's memory on the other is whether he said "Cork jurors" or "packed juries." My Lord, I must leave the matter there; but at any rate, in the midst of an excited crowd shortly after the conviction of Poff and Barrett, Mr. O'Connor, who is a Member of Parliament, was amongst them shouting out either "Down with packed juries," or "Down with Cork jurors."

At the very close of the page I am reading I see that whilst I stated a day or two ago that I thought it was Mr. Loudon who spoke of Inspector Davis as being an honourable man, I see it was Mr. John O'Connor. I do not think it makes much difference

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who bore testimony to Mr. Davis's conduct; but it was Mr. John O'Connor who endorsed Mr. Davis's credibility.

Now, my Lord, there is only one other matter with respect to these jurors I wish to refer to; that is the matter which was brought before you in connexion with the conduct of one of the gentlemen who is now a Member of Parliament, Mr. O'Brien. The evidence was given at page 2423. The evidence is that Mr. O'Brien, on the 15th May 1883 (your Lordship will recollect the time of the trial of the Phoenix Park murderers), had obtained certain documents to be printed and published; that the list he had published was the jury list; that he had a second document published or printed with these words:—

“ Woe to you if you have any of the goods of these jurors in your house, for then you, as well as they, will have the blood and sufferings of innocent people upon your head.”

Now, my Lord, with this statement the list of the jurors who had sat upon different trials was drawn up, and 10,000 copies of that list, together with these words, beginning, “ Woe to you,” were printed; and amongst the list of the jurors we find the name of Mr. Field. His name appears as of Westmoreland Street. It is proved at page 4048. It is mentioned in “ United Ireland,” you will recollect in the extract I have read to you, that the establishment is in Westmoreland Street, where it speaks of the sale being abortive. It appears in the statement in “ United Ireland ” which I referred to this morning at page 4048.

“ Once more we may refer to the case of Mr. Field for the purpose of repeating our surprise that no one will purchase his establishment in Westmoreland Street.”

You will find Mr. Field is of Westmoreland Street. I do not know his Christian name. Of course you know that gentleman's life was attempted to be taken, he having acted as a jurymen. And thus, of course, it was that the jurors, if it were possible to prevent them acting as independent men, were being intimidated and threatened so that justice should not be done.

(*The President.*) What is the meaning of “ Woe unto you if you have any of the goods of these jurors in your house ? ”

(*Sir H. James.*) I suppose that represents having any dealings with them. Mr. Field was a merchant.

(*The President.*) I see—if you buy of them ?

(*Sir H. James.*) Yes.

Then one other small head of this same class of action is what I mentioned to you, namely, the disaffection of the police. Mr. John O'Connor, at page 5862, is asked as to a certain speech he made, and Mr. O'Connor certainly gives an explanation of the speech. He had said something about a certain fund, and he is asked the question—

“ (Q.) Did you state it was out of consideration for the feelings of the police?—(A.) I should say not. (Q.) Not to influence them not to discharge the unpleasant duties?—(A.) Not altogether. (Q.) Was it at all?—(A.) Not altogether, I should say. It was to disaffect the police force. (*The President.*) That is a candid answer.”

Then Mr. Dillon, at page 3309, says:—

“ It will be our duty, and we will set about it without delay, to disorganise and break up the Irish Constabulary, that for the past 30 years have stood at the back of the Irish landlords, bayonet in hand.”

There was another mode; I do not know quite as to its disaffecting the police, but which was pursued, of bringing justice into contempt by attacking the police. I think I have said more than once that the attempt was to hold up both the victim and the judge and jury and captor all to execration, whilst homage was afforded to the assassin. This is an instance of what I mean. The attack was made upon the police that they, and not the real criminals, were the guilty people. I will give you an

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instance of it. Mr. Healy, speaking at Castletown on the 24th October 1880, says, and your Lordship will note these words in respect of the denunciation of outrages :—

“ I regret the outrages personally, and I will tell you why—because it’s you
 “ that would suffer ; because the charge for those outrages comes out of your
 “ own pockets. I know that those outrages were not committed by the people.
 “ I charge some of those gentlemen who are marching past.”

(Those were the police.)

“ I will tell you here what was said to the sub-inspector of this locality by a
 “ most respectable man, a nephew of a Catholic bishop. He said ‘ Mr. Sub-
 “ ‘ Inspector ’ says he, ‘ it is a very strange thing that those burnings take
 “ ‘ place whenever your police patrol is out at night.’ The patrol has been
 “ withdrawn, and there has not been a burning since. Therefore, I say,”

(this is Mr. Healy)

“ it is not those honest, kindly people—that those men have committed outrages
 “ upon those men who have never did anybody any harm. I understand that
 “ those men never did anything wrong. I say it is absurd, and I charge it on
 “ the police.”

Then he says :—

“ It has been said that cows’ tails have been cut off, and I heard a very
 “ remarkable suggestion.”

Then he proceeds about oxtail soup.

There is one other speech also, somewhat of a different character made by Mr. Arthur O’Connor, at page 512 of the speeches. It is made on the 9th October 1881, in Kilkenny. Mr. O’Connor says that he is sent down by the office of the Land League. He says :—

“ That the county of Kilkenny has not come into line ”

(your Lordship will note that)

“ with the rest of Ireland.”

Not having come into line with the rest of Ireland. Mr. Arthur O’Connor gives the people this advice.

“ Any man should not attempt boycotting unless he knows there are some
 “ grounds in the minds of those who would be inclined to countenance it. There
 “ is another kind of boycotting on which I have a word to say. Some persons
 “ animadvert on certain hotel-keepers and car-owners because they may supply
 “ the police with cars while they themselves are supplying the same police with
 “ articles far more indispensable. The police can, if necessary, march to the
 “ scene of an eviction as do the soldiers, but they cannot do without bread, or
 “ without meat, in daily use, milk, tea, eggs, cheese, beer, and whiskey. Now, I
 “ ask you what right have the persons who supply those things to the police to
 “ cry out against those who supply the police with cars or other necessities which
 “ they do. What right has the ironmonger to supply a tin, or the farrier to
 “ supply a shoe, the glazier to mend his window, or the carpenter to mend his
 “ chair. The hotel-keeper may see that he is vulnerable where they are secure
 “ as his license may be in danger, although the danger appears much less than
 “ the police thought, but they are at perfect liberty to work for or sell to whom
 “ they please. The hotel-keepers or car-owners may fairly say that those who
 “ cry out against them for supplying them with cars, that other people
 “ are supplying them with the ordinary necessities of life, as cars would
 “ be of very little use to them. I know that the police, scattered all
 “ over the country in small bodies are perfectly dependent on the people in their
 “ district, and if the Government attempted to supply each constabulary station
 “ throughout Ireland with all that was necessary for the commissariat, the
 “ supplying the campaigners in Afghanistan was only mere child’s play to it.
 “ The car owners complain that the ladies and the girls—and you have a great

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“ many pretty girls in Kilkenny—that the ladies, and the whole of the fair sex
 “ who join in condemning them for supplying those conveyances, themselves
 “ countenance the police by speaking to them; whereas, that if no woman, if no
 “ girl in Ireland would so much—this is what they say themselves, the car-
 “ owners—if no girl in Ireland would so much as be seen walking upon the same
 “ pavement with a policeman.”

I do not know that I need read more than that. Of course the result is to urge the people to supply nothing to the police.

My Lords, I hope I have read enough now to show, under these three different heads, the systematic attempt which was made to defeat justice, and I will now pass to another and a distinct point.

I wish to get rid of some of the smaller matters in building up the case, which I am seeking to do step by step. I will deal very briefly indeed, and in a few words, with the head of importation of arms to Ireland, which was going on at this time. I think I need scarcely occupy your attention more than a moment or two upon the point. Your Lordship will recollect in the first place what we have referred to so often, viz., that John Devoy stated in his report that arms were being imported during the end of 1878 and the beginning of 1879. We have at a much later date proof that the importation of arms was going on. I referred your Lordship a few days ago (perhaps, however, I may as well repeat the reference) to page 6053, where Mr. Matthew Harris speaks of the importation of arms. He says that a number of arms were being imported between 1878 and 1879, and that those arms would be left in the possession of the farmers and farmers' sons. Therefore we have the commencement of the importation of arms. It continued, and we have evidence as to the action of a man named John Walsh, of Middlesboro', who was the Land League organiser for the north of England. That is proved at page 2376. There was a warrant for his arrest (page 2385). We bring that man in communication with transactions that were taking place later on, namely, by virtue of documents that were found on the 28th of February 1883. This is at page 2360. The evidence is given by Wilkinson, who took possession of some goods at the “ Navigation Inn ” at Rochdale. Marshall handed him two bags. Walsh had been staying there, and at that time he absconded. Then we have a list of the Fenians set out at page 2360, the number of men, the sum of money belonging to the different centres, commencing with the letter A and going to the letter O, a list of what is termed “ short furniture ” and “ long furniture ” (meaning revolvers and rifles), and then the amount of what are called “ pills,” which, I presume, represents cartridges. Will your Lordship note that in this document you have an account of money “ received from F. Byrne from March 13th to present.” Now, if that money was paid by Byrne, who was the secretary of the English Land League, to an organiser of the Land League in the north of England, it was also paid to a man who was certainly dealing apparently with the arms of the Fenian association, and that leads me to the conclusion that he was at the same time both a Land League organiser and also an organiser for the Fenian body, or acting for them.

At page 5663, Mr. Michael Davitt speaks of this man, John Walsh. He is asked:—

“ (Q.) Do you know what John Walsh was doing in 1879 and 1880?—
 “ (A.) Which John Walsh? (Q.) John Walsh, of Middlesborough?—(A.) I think
 “ in 1880 he was organiser for the Land League of Great Britain in the north of
 “ England and Scotland. (Q.) Very likely. Do you know whether John Walsh
 “ had at any time been concerned in the sending of arms to Ireland?—(A.) I have
 “ no knowledge whatever that he had.”

I do not myself, I must say, attach very much importance to the fact, but there was a cheque of this man Walsh, proved at page 2379, for 100*l.* by Byrne. It was cashed by Mr. Foley, one of the respondents here. Whether that cheque had been given for organisation, or what it had been given for, we have not been able to trace. The fact remains that this person, who was dealing with these Fenians, and a list of arms was found in whose possession, was receiving this money from Mr. Byrne at one time, and obtaining the cheque from Mr. Foley. I think that cheque was established. It was Mr. Egan's cheque—a cheque Byrne got from Egan. There is evidence also upon this point of a man at page 2388, and also page 2391. That is as to the arrest of a

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man named Tobin, as to certain documents found in his possession, and the evidence that was put in, as I understand it, was for the purpose of establishing that Tobin was in communication with Walsh. Your Lordship will recollect that this was somewhat late in point of time, because this was dealing with the year 1878. I think some of it was earlier still—1866 and 1867. Your Lordship will also recollect that Le Caron says that when he was in Paris, which would be April 1881, Dr. Clarke or Kenealy was also there. I am referring to page 2496.

(*The President.*) Will you be kind enough to tell me what is the point you are now endeavouring to establish?

(*Sir H. James.*) What I wish to show is that at this time, to the knowledge of these leaders, arms were being supplied to the peasantry of Ireland. At page 2496 Le Caron speaks to his interview in Paris which we are aware would be in April 1881. At page 2496 Le Caron says:—

“ You say Dr. Kenealy was connected with the Irish Republican Brotherhood?
 “ Do you know in what capacity?—(A.) He was the agent engaged in shipping
 “ arms; the means of communication between the two organisations through
 “ John O’Leary.”

That would be as early as April 1881. I have other evidence. For instance, your Lordship will recollect there were 10,000 dollars sent over from the Skirmishing Fund which is proved at page 4468. But probably with the admission of John O’Connor and Mr. Harris that arms had been brought into Ireland, and been in the possession of the young men or the farmers who had them, it is not necessary to dwell at any further length upon that subject.

I wish now to go with your permission to more direct evidence as I consider it with respect to the importation of arms to be found from the documents that have been placed in evidence before you. Your Lordship, I am sure, will have it in your mind that the important documents—some of them—are to be found amongst those that were produced by Mr. Soames, which he had received from the clerk, Phillips, and which we have called the Phillips documents. Before I call attention to those documents, I must ask you to consider what documents have been produced, so as to bring information to your Lordship’s mind by those who have had those documents in their possession, and who could have produced them if they had willed so to do. My Lord, I have heard professions of desire to give your Lordships every information, and I wish those professions had been carried to their fullest extent, because it is not only the fact that many, many witnesses, who must be very full of information, have not appeared before you; but documents which must have existed, and which, my Lord, we have no reason to believe do not exist now, and which could have afforded to you a vast amount of information, have not been produced before you. Now, I will mention to you what we have, but before doing so, let me ask you to consider what documents you had the right to expect should be brought before you. You have evidence upon that point, which shows, that the central league in Dublin was carrying on a communication with these very many branches throughout Ireland; that appeals were constantly made for instruction and information by those branches to the central league, and that answers were sent by the central league. And in those communications you would have found a record—a faithful record—of all that was taking place within the Land League’s action; and I am sure that such a record would have been accepted by your Lordships as the current information laying bare the action of that League. My Lord, for years—at least for two years—this mode of business was carried on. Certainly in later time, the correspondence must have been most voluminous, and the information we should have gathered from that correspondence would have been certainly of the greatest importance as affecting your Lordship’s judgment. Let me, as an instance of what I say, remind you that Mr. Davitt, at page 5701, speaks of the receipt of thousands of letters. He says, speaking of letters:—

“(Q.) Whether it was a regularly organised office or not, we have had some
 “ evidence about it. Do you suggest that that letter would be destroyed at that
 “ time, Hegarty’s letter?—(A.) I believe thousands of letters were destroyed.
 “ (Q.) I am putting this letter?—(A.) Very likely it was destroyed amongst
 “ thousands of others.”

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And we have also confirmation of that. Farrigher says, at page 2032, that the documents that came into his possession were taken to Mr. Pearson, some of them to Maloney's. One parcel was taken in a van, and one in a large dray. At page 2032, speaking of Mr. Campbell being present, he also says that the correspondence was very voluminous.

"(Q) Was there anything taken besides books?—(A) Books, letters, and all.
 "(Q) The documents?—(A) Yes. (Q) Were they taken in a van, or how were
 "they taken?—(A) There was one parcel taken in a van and the other was taken
 "in a large dray. (Q) Was any person there whom you could name at the time
 "these were taken?—(A) Mr. Pearson was there. (Q) Do you know Mr. Campbell?
 "(A) I do. (Q) Who is he?—(A) A member of Parliament. (Q) Was he
 "present or not?—(A) I could not say that he was present when they were being
 "removed, but he was in Dublin at the time."

These books, of course, in the first place, had to be records of the transactions, and these voluminous documents would tell the tale of the action of the League, and, with the exception of one or two documents that came from Farrigher, and with the exception of the Phillips documents, which represent one or two day's proceedings, and only a portion of them, those four books that are before your Lordships represent all the books and documents, as far as I know, that have been produced. Those are the books of the Land League. The van and the dray, my Lord, must come to one's mind. There they are, D 1, D 2, D 3, and D 4. As to this Land League, with its two years' of operations, with its branches all over Ireland, with its thousands of letters, thousands of transactions, after all that has occurred, and after all this enquiry which has been made, and after all we have heard about the van and the dray carrying these things, their representatives say, Here are the faithful records of all the transactions that took place in the Land League. I shall deal with the books. Of course, we have to deal with the contents of those books. But what could have been more important? In the books we get echoes of the bank book, with cheques drawn, without any particular designation of the persons receiving money, but we do not get very much information from them. But, my Lord, I should have liked to have some information of the destination of those letters, those documents which were at the Land League office at the time of its being closed.

Mr. Phillips, at page 6253, says—

"I used to have a whole sackful of letters every morning."

At 6257, we learn there were eight clerks employed. And there is the result of all their labour; those books with many sheets untouched—virgin sheets, many of them. But for these two years eight clerks were there, certainly at one time, and all their labour resulted in what we now have before us; and we have heard it said that every book and document of the Land League should be and has been produced. Well, my Lord, I do not know whether it has been worth while to trace these documents and what became of them. If explanation had been given to you that when the Government were suppressing the Land League, the Land League had thought right to sweep away all the records of its existence, as men blow up the town they are leaving, so that the enemy shall not obtain possession of it, I could understand the explanation. And, hostile as the Land League then would be to the Government, and the Government to the Land League, it was an operation which, while it may be regretted, you could understand the motive of. But I cannot understand that anyone says that any such course was taken. You will recollect the document as to the men going to Liverpool, and that the books were to be sent to London. You will recollect this account of the van and the dray. You will recollect all we know about the journeys of Mr. Biggar to Holyhead. All these transactions were taking place at the time, and no one says there was any destruction of any document. I think I am not strictly accurate in that respect, because, at 4133, Mr. Parnell says that he was told that at the time of Maloney's bankruptcy he destroyed the papers and documents of the Land League. That was the explanation that was given to your Lordship. I will give your Lordship the reference to it. It is either page 4133 or 4137. I am certain it is there.

(The President.) Yes, I remember it.

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(*Sir H. James.*) I will give your Lordship the exact page in a moment. He says he was told that at the time of Mr. Maloney's bankruptcy, Mr. Maloney destroyed the documents of the Land League; but, unfortunately, at page 6234, upon Malony being called, Maloney says that Mr. Parnell's information is not correct. I think it right to note, of course, that Mr. Parnell does not say it is the fact; he only says he was informed so. Mr. Maloney, when the question is put to him "Had Mr. Parnell been correctly informed as to those facts?" says no. I am certain we are right, because the question here is put to Mr. Maloney reading Mr. Parnell's words. These are Mr. Parnell's words:—

"I have heard that after Mr. Malony's bankruptcy he left the country; he had to leave the country, and that he directed that all the papers in his house should be destroyed; he had not time to make any selection, and that the papers were destroyed. (Q.) Then that seems fully to answer about it?—(A.) That he had in his possession a number of the letters and documents of the Land League, and that they were destroyed by his orders when he left the country."

That was put to Malony by way of quotation of Mr. Parnell's evidence. Then I put this to him:—

"Had Mr. Parnell been correctly informed as to those facts?—(A.) Most incorrectly. There is not a particle of substance for a word in that. I never destroyed a paper nor gave orders for a paper or book to be destroyed. I destroyed one paper two or three years ago. That was the only paper I ever destroyed belonging to the Land League or National League, or gave orders to have destroyed."

(*The President.*) Then he says what that one was.

(*Sir H. James.*) Yes, it was the signatories to the No-Rent Manifesto. So, I say, we can find no explanation of the destination of these documents. There has been maintained, I submit, to you a secrecy, an intentional secrecy, in respect to some of the books, and what to my mind, as long as this investigation has been proceeding, has long since seemed far more important are the communications which were taking place between the branches and the central League. What were they? They were the daily records more or less of the action of these branches throughout the country. My learned friend, Sir Charles Russell, says, as an argument in his favour, why, how little that is incriminating has been found as a result of the searches that have been made from place to place; how little it is incriminating to the Land League. My friend's statement of fact is correct, but what is the force of the argument? "Little has been found which is incriminating." That is true, but the reason of it was that nothing was found incriminating or otherwise, search where you would; let the officers of police, or whoever it was, apply for any document or endeavour to obtain it. I could exhaust, without wearying your Lordship, the result of all these searches, and how much has your Lordship found, and what have the officers of the League, who came into the witness box, brought you by way of record or by way of statement? The truth is that there has been for some reason an absence of evidence produced here, and absence of those who, I think, could have given you information upon the subject. Let me note two persons who, I think, could have told you something. One is Mr. Quinn, who has not been entirely a stranger to this court. I shall have to deal with his necessary presence and his intentional absence upon a very grave matter in a few minutes. Then there is Mr. Campbell also, who wrote that letter that is before you as to the men at Liverpool; I cannot say that I am entitled so entirely to complain of Mr. Campbell's absence, because Mr. Campbell was called in respect to the handwriting of the Pigott letters. But, my Lord, he is not called to give any explanation of the purpose in relation to which he wrote the letter I have referred to, and he was (as I have just now called your Lordships' attention to the fact) proved to be in Dublin the day before the removal, and he was taking part in these transactions. And I must protest against its being said that counsel can cross-examine a witness without knowing what the witness's statement is. To say you have an opportunity of cross-examining him when he has given no proof is a very different thing from a witness being called to give an account, and then for you to test the accuracy of that account; and I note that, whilst Mr. Quinn is entirely absent, Mr. Campbell, in the discretion of my learned

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friends was not thought to be a witness who could give any information that would be very satisfactory to my friend's view in relation to these documents.

Well now, my Lord, expecting much, and entitled to expect a great deal out of the mass of documents of two years creation, what have we? In the first place, we have these books. I must admit that, from all I am saying in respect to these books, there is one observation that can fairly be made against me, and that is, I have no right to take the time during which the Land League existed, namely, from October 1879 to October 1881, as controlling the books. You would expect to find here, because in February 1881 Patrick Egan leaves for Paris. With the exception of the relief book, I understand he took the books with him out of the jurisdiction.

(*The President.*) Some of the books.

(*Sir H. James.*) With the exception of the relief book. Therefore, I have in respect to the books to deal with the time—substantially, I think—from February 1881 to October 1881, but that observation does not apply in respect to the letters, or any loose sheets, or any documents other than the books. You will find no trace that Mr. Patrick Egan took away, what I may call, the archives of the Land League—the books, and the books only. He may, for ought I know, have taken vouchers that may have been the more natural course of events—so far as any correspondence and communication of what I am saying, the absence of Mr. Egan has nothing whatever to do. Now it is almost wearying to have to note what these books are, but substantially they give no information to you—they give none—they are marked D 1, D 2, D 3, and D 4. I may get rid of D 2 and D 3 with these observations, that they are books that refer to events after the suppression of the League, or from a time when the League was anticipating suppression. I think I may take it, for they are echoes of the bank book, they begin October 8th and 10th, at the time when the League anticipated the suppression. But, my Lords, we have D 1 and D 4 containing some entries respecting the time of the Land League. The first portion of D 1 refers to the Relief Account. This D 1 commences with the Relief Account. The sums are large that are dealt with. We know, of course, that they almost entirely came from America, and the first entry is December 22nd, 1879. It continues down to the 16th October 1880. If you will allow me to give you the reference. I think I was right, either September or October it continues down to, and deals with this very large sum of money amounting to 50,000*l.* odd. So far as I can see there is an entry that runs first at page 79 and then the account is afterwards re-opened, and we have again, at pages 138 and 139, a statement of the objects, and we have accounts which I presume must refer to the Relief Fund also. Of course, that gives us very little assistance in this case, except for the purpose of seeing how long relief was continued. The observation I have to make upon that account is, that in a very short time other matters are dealt with in that account, besides the relief of those who were suffering from distress. On the 17th March we get “relief given to evicted families,” and under the 6th April we get this in pencil, “For prisoners’ families.” There are many other instances of the same kind. June 1st, “Ballyford, Derry Gaol prisoners.” “April, Clonbur—Account for families of men in prison.” Then “Legal Expenses, June 23rd.” “May 4th, Galloway. For prisoners’ families.” So, my Lords, out of this money—I make very little observation upon it—out of this money that had been so subscribed, there certainly was very soon a dealing with the fund not entirely for distress. Then on this same book D 1, at page 100, we have a copy of the bank account, and, if your Lordships will recollect, we termed it the echo of the bank account, from November 17th, 1879, to October 16th, 1880. I do not wish to go into detail; I have given instances enough. Thus the appropriation of money thus continued. Now there is also an account called the “Expenses Account,” which deals with the sum only of 2,648*l.* That is the only sum dealing with the “Expenses Account,” and of which the larger sum, namely, 1,709*l.*, is simply a reproduction of the echo of the bankers’ account. I have told you now the contents of D 1. D 4, which deals with the same period of time, was a book made by Moloney, by direction of Dr. Kenny; and is an echo of the bank account only from February 1881, to July 30th, 1881; in Moloney’s handwriting; that book represents a sum as far as the concluding sum—the last account—of 3,000 and odd pounds, and there is a previous account amounting to 14,000*l.* But the whole of the entries in that book cover only some 30 pages, and, as I have stated to you, form only the echo of the bankers’ account. The information you can obtain

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from it is simply the fact that certain cheques were drawn to certain people; and from some of them, as in the cases I mention to you of Butterfield, we have only been able to obtain some slight information; though, of course, that is not the entry in that particular book. Now I have mentioned to you D 2 and D 3, referring to a very much later time; and D 2 is an echo of the bank account from October 8th, 1881, to April 1st, 1882. It was begun with Moloney, and continued by Mrs. Moloney and Phillips.

1882 and 1883 is what is termed the cash book: and it is a cash book from October the 10th, 1881 to November the 12th, 1881, showing incomings and outgoings made out from counterfoils of cheques, made up also by Maloney and the clerk. Now, those are the whole of the books we have before us. Mr. Davitt suggests that I am confining—as I think I had expressed myself—I am confining my observations to the Land League matters entirely—what books ought there to be in existence? The sums that were dealt with at this time, of course, were very large sums indeed. You have the account given in Mr. Hardcastle's evidence, at page 3484, and he speaks of the receipts from the 10th of November 1879 to the 7th of September 1882 as amounting, of the Land League, to 261,269*l*.

(*Mr. Justice A. L. Smith.*) What page is—do you mind showing, from when to when.

(*Sir H. James.*) From the 10th November 1879 up to the 7th of September 1882. I think, my Lord, that must be explained. I should not be correctly stating the nature of the accounts if I do not ask your Lordships to accept further explanation.

(*Mr. Justice A. L. Smith.*) What figure do you give—261,269*l*.? That is at page 483? But that has to be dissected.

(*Sir H. James.*) Page 3483. You will see the analysis of that. There is the—

“Organization Fund.—Receipts 102,384*l*,”

“Relief Fund.—Receipts 71,078*l*.”

Those would be the amounts that would be received. Then comes the sum of 75,355*l*. of the League Land League. That, I understand, would be money sent by Egan from Paris to the Ladies Land League, or most of it would come from Paris. Now I am at a loss, in consequence of the absence of all books, to see whether that does not come out of what is termed the Organisation Fund, because I do not think you are aware of what Egan received in Paris. Mr. Hardcastle has had no access to those books. We have traces of Mr. Egan sending money direct from there. We have, Mr. Parnell for Parliamentary purposes—the general election of 1880, 2,000*l*.; we have, if I read it rightly, some small sums paid to Mr. Harris. Therefore there was no control over Egan, and we know nothing, as far as I am aware, of what was going on, of the money that went from Egan direct to America. This money, I think, came with all that passed through the Hibernian Bank account, and of course is totally apart from all National League expenditure. It does not bear so much upon this point which was, of course, the money received at a later date. But will you look at page 3484, which shows that the 261,000*l*. is perfectly distinct from the later League—the National League, because there you have Land League 261,000*l*.; the small account 3,000*l*.; the National League account 115,000*l*.; United Ireland, 171,000*l*., or a grand total of 451,000*l*. received.

(*The President.*) What did “United Ireland” give?

(*Sir Henry James.*) That is group C., this particular account. That was a fund for carrying on the newspaper. I do not know whether it included the receipts from the newspaper. I must ask you to allow me to qualify what I said just now—that we do not know much about Mr. Egan's receipt. We do know something, and I ought, therefore, to qualify what I said. We know something about receipts, but nothing about expenditure. Because there was what has been called an audit in Paris, proved at page 3526. I may observe here that this audit is said to be an audit by Mr. Dillon, Mr. Sheehy, and Mr. Harris. The proof as it stands now—I am digressing for a moment—is very confirmatory of Le Caron, because Le Caron says that Egan told him that Sheehy and Harris had audited it; and if your Lordship wishes it I will give you the reference. Mr. Harris says that he and Mr. Sheehy made the audit. Mr. Dillon, as far as he recollects, was not present at the time. He may have audited separately. It is immaterial, and Le Caron says that Egan told him that the audit was by Sheehy and by Harris. However, I am digressing; for that purpose I will give full reference to it, if necessary. Will you refer to the account upon page 3526? This is what

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Mr. Egan said he received—this must be apart from Irish receipts. He received 246,000*l.*, nearly a quarter of a million of money, about which I am suggesting to your Lordships, you have not the slightest account.

“ Relief of Distress Fund from December 1879 to August 1880, 59,000*l.* ”

I think I must admit that, substantially, that would represent all the Relief Fund. I do not think any money came into the Relief Fund after that audit, which, of course, bears upon the condition of Ireland.

“ Land League Fund to 3rd February 1881. ”

which is the date when he left Ireland. There is a—

“ State Trial Defence Fund, per ‘ Freeman’s Journal ’	£ 14,000 ”
and another sum of £21,000—	
“ Receipts in Paris from 4th February 1881 to this date,	
“ 3,294,589 francs, at 25 francs 20 centimes - - -	130,737
“ Coupons and profits on United States Government Bonds	
“ sold - - - - -	4,400
“ Total - - - - -	£246,219 ”

Now, that shows a receipt other and different to Irish receipts in the account that is put in the schedule by Mr. Hardcastle’s evidence. You will see that up to a certain date there are some lodgment notes, showing where the receipts came from up to a certain time. Those were to the Hibernian Bank. They could not be identical with the 130,000*l.* received by Egan in Paris at the time he was in Paris. And so this account grows. We are dealing with very very large sums of money. The lodgment slips go from November 1879 to June 1880. None were produced after that time. We have up to that date, the Irish lodgment slips are there. Well, now, one word about this audit, as we are looking into this account. You will see Mr. Egan produces this statement of what is received, and that statement has been noticed over and over again as a perfect audit. What statement did he produce as to how he had spent the money, is the inquiry which you must, with submission, be the more interested in when endeavouring to have the accounts of the League. How was the money spent? Well, as Mr. Thomas Power O’Connor, who has been in America, said, no man would wish to know; the effect of the words were—no man should inquire as to how the money had been spent. And I feel that, if a political organisation is entering into very active warfare, if it is in an alliance with a body such as the Irish Republican Brotherhood, the Clan-na-Gael, with Mr. Patrick Egan as the agent in communication; well, I do not say that they would be willing to publish their account. And that is the very point we are urging upon you. All this is left blank, and where the money is, whether with French banks in Paris, now, has been for some reason withheld. I have no right to condemn the reason. I do not know what it is; but Mr. Parnell says there is a reason why he does not wish any account to be gone into in such respect. And so, all you have before you is that Mr. Harris, Mr. Dillon, Father Sheehy were satisfied by something—you know not what—produced to them by Mr. Patrick Egan: that Mr. Patrick Egan, according to their view, and their intention, was trustee of the money that had come to his hand, but how the trust had been fulfilled, or what was the nature of the trust, in what direction it carried this money, you are not told, and have no information given to you whatever. And so we have it, that in addition to the money that went to Ireland—a part of which, no doubt, went before Mr. Egan’s departure to France, we have large sums of money, and very large sums of money, that have been taken to Paris, that do not appear in any way whatever in these books. And, in consequence of their not appearing in any books we have before us, we are left in doubt of what is the total receipt of the Land League money. But, this your Lordship has at any rate—that of the 246,000*l.* received by Egan, deducting from it the Relief Account of, call it, 60,000*l.*

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SIR HENRY JAMES.

[Continued.]

and the State trial, the particular Defence Fund—still deducting this sum, you will have 160,000*l.* received by Egan.

(*The President.*) You must deduct, also, the further sum of money here—the balance in hand, 27,154*l.*

(*Sir H. James.*) I said the sum received.

(*The President.*) What is unaccounted for. These gentleman say there is a voucher of 27,154*l.* not exhausted.

(*Sir H. James.*) What I was saying is, they got the sum received which would make the sum I have mentioned. I will accept your Lordship's view that whatever went to the Ladies' Land League—some money was left. It probably was invested.

(*The President.*) I am only pointing out that the auditor's state they had been satisfied that this money had been expended, except a balance of 27,154*l.* Very well then, your observation remains, that there is nothing to show how that money was expended. Then, if you deduct the Distress and Relief Fund from it, that has to be deducted from the 219,000*l.*

(*Sir H. James.*) Certainly; I am obliged to your Lordship. It is entirely in accordance with my view. What he had received I meant; I was not at the moment meaning what he had disposed of.

(*Mr. Justice A. L. Smith.*) Do you suggest, then, that the 70,000*l.* odd which came to the Ladies' Land League came out of that which came from Paris?

(*Sir H. James.*) I think some of it did.

(*Mr. Justice A. L. Smith.*) If you take the Ladies' Land League, the English book shows a deficit of 90,000*l.* You are surcharging that with what Egan had in Paris. I ask you whether that is in the account which came from Egan from Paris?

(*Sir H. James.*) I cannot tell you. Some of the money came from the Hibernian Bank, of which we have no record. It may be that some came from the Hibernian Bank, and some came from Egan.

(*Mr. Davitt.*) It will, doubtless, be in your Lordships' recollection that Mr. Egan submitted a statement of his accounts to a Conference in Dublin in October 1882.

(*The President.*) Still, the point is, we do not know how the money was expended.

(*Sir H. James.*) Will you allow me to postpone stating positively? I think I can trace where the 72,000*l.* came from.

(*The President.*) The Ladies' Land League.

(*Sir H. James.*) I would ask you to allow me to do that. The observation I was about to make was that that 246,000*l.* shown in the Paris audit—Egan personally had possession of that. Well, now, we have also money that goes to Ireland. It may be that the money that went to Ireland is covered by the entry in the Paris audit. A Land League fund has been paid up to that date. Up to that date. But of the money that went to Ireland after that date, what went to Ireland, is distinct from the money that went to Paris—to Egan in Paris—of course has to be added to the receipts of the Land League. You will see from the books—the accounts shown by Mr. Hardcastle, particularly in his schedule of the amount given—that we have to add to whatever sum Egan received. We have to add all the Irish receipts, though, of course, I do not want to charge twice over the moneys received by the Land League and by the Ladies Land League. I think we shall find that there was a sufficient sum in the Irish receipts after February 1881, to furnish the Ladies' Land League with the bulk of the 72,000*l.*

May I venture to make the same request to you I did last week, as to to-morrow, I am glad I can say that I can faithfully promise not to repeat that request again.

(*The President.*) Certainly.

(Adjourned to Tuesday morning.)

~~Monday~~ Tuesday Nov. 19. 1889 25
Sir. H. James Still on the Stump

1149 Return crime in Castleisland
281 "Quotation" Freeman 11 Apr 1882 (Blue Book page 220)

Some explanation offered by James.

Comes to Law League accounts again.

526. Egan's accounts

30 00

130 00

£ 50 "

£ 166 000 "to be accounted for" according to James.

544 Harcourt's Schedule

£ 181,000 "to be acc^d for"!!

£ 72 470 "from Paris to Ireland per 'Alexander' to Ladies League
27 000 "

abt £100,000 to be acc^d for"!!

Only £14,000 accounted for!!!

No account of Ladies L. League money.

(But Times says National League & Law League were one; & the National League books have all been produced.)

Books & Documents

2364 Inlone's Evidence re/books

075 Campbell's letter re/books at Liverpool.

~~Grant's letter~~

"Central League compensating those who committed crime."

59. ~~to~~ The O'Rourke letter. "Brave fellows" re. { addressed to

60. From Keltinagh. { Quinn

63. Another letter

65. Signed Davis

794. * Butterfield letter. ~~Signed Wm. Davis~~

69. Letter supporting Evicted Tenants.

71. "Timothy Horan Letter" /

841... (Judge Day piously saying his prayers - all this time!)

335 X Evidence Jhs. O'Connor (Informer - who Confessed!)

112. Inspector Davis confirms O'Connor.

132. Kenny Castleisland O'Callaghan.

448 Tim Harrington on Father

(James makes most of this letter.)

(James most unfair on Ferguson's evidence)

4841. Ferguson's Ham.

2. " on the ethics of relief to wounded people resisting Police.

4844. Ferguson again. James reestablishes Ferguson by reading his answer.

(James immortalises Quinn for not coming forward)

" Remarks on non-appearance of Dr. O'Callaghan very able.

(Charges in Parnellism & Crime "not without foundation" - "Letters" for instance)

5990. Statement by Reid as to witnesses.

6017. Read "

(12th July^{'80} date of Russell's cutting Case.)

3270. Discussion on Houston & J. L. P. U & money.

* James quotes Russell acquiescing in decision President with reference to "the conspiracy behind Houston". This very adroit put.

(Goes back to his diary of events 1881.)

5252. 'Tax Pay' at Chicago Nov. 30. '81. Makes damaging reference

2813. Speech Redpath 16 July '81. Seton present. Chairman.

5348. Redpath gets £100. ~~June 5~~ 14th Aug '80.

5th Oct 81 Parnell speech (595 book speeches)

3651. - Speech Lord Hartington on Ribbonism in Westmeath (71-

* (This speech proves that ten years before Law League some crimes & outrages were committed.)

" "Ireland in Oct 79 and Oct 81"

Benign - Harasts - Comparative plenty - great legislation - just rents - all came to Ireland before Oct. 81. - according to James

("Parnell left Ireland in state crime which never existed before.")

" makes some effective observations.

" The Ireland Parnell left behind him.

Traces Ladies L. League & everything else of the kind - to McDurt.

Deals very fairly with Ladies Law League, I think.

Goes to America again.

Contends that Clan Na Gall became dynamite body, from August 1881.

Claims that "Clan" succeeded in capturing American L. League.

James Propositions

Chicago Convention of Nov. '81.

3381. Parnell dispatch Lord re J. L. P. & mission to America.

4005. 24 Feb. '81 Harcourt's speech on Devoy re.

3346 Harcourt again on Law League.

Cable from Egan from Paris re/ Healy, & Sheehy. 25-

245. Egan's conversation. "no appeal to arms is intended."
383 (James insists Egan meant "dynamite" in saying this.)
Egan's (21st Dec. '81)

Telegram from Egan: to Irish World

554 Clan. Na. Gael action: "Circular" from E. Boddy re/- Chicago
open Convention.

383. Irish World 12 Nov. '81 on Chicago Con.

244. J. Pay visits Patrick Ford.

250 } 26 Nov. '81 Arrival "Tim" & Fr. Sheehy drive to Highwood Office

202 Call for Convention, signed Healy, Sheehy, L.P. O'Connor

Ford
Boyle O'Reilly } For Irish in America.
P.A. Collins

401. Davitt on two Branches - Collins & Ford, issue Call for Convention
"A Perfectly Harmless call" James words

246. J. Pay on Secret organisations in America.

561. "Text of Call" for this Convention.

223 - O'Connor on Finerty's conversation.

80,268 question

384. Irish World on Finerty

560. Beach's Circular. (my argument: that when Conventions are
held local celebrities are put in chair)

Report - Chicago Convention from Chicago Times "Exhibit" but
in by At. General.

559. Section evidence Secret Caucus

(James reads from Chicago Times Finerty's opening address)

p. 25. appendix.

26. Alexander Sullivan quoted.

27. Betts elected Chairman despite fixing Hynes Secret-Caucus

38. Judge Birdstall

39. Deasy Speaks

40. Alex. Sullivan

back) 7

562. Beach Circular (James Reads) See this. 320 "Caucus" sat

* of over 1100! Delegates. This circular strong proof of Law League
argument advanced by me.

688 "Names of Committee of Secret."

514 Brown accused to be Clan. Na. Gael)

687 - Actor House Conference)

24-25 Exhibit account - Chicago Convention.

563 - "Circular" referring to Betts as U.B.

2204 Healy speech on Finnerty & Hynes.

Call attention to this.

3998(?) Pamell 12 Decr. '82 letter congratulating Finnerty.
Fr. Sheehy on chemists.

Washington Convention April 12. '82

July 15th 1882 ~~Astor House~~ Preliminary meeting Astor House Conference.

6411 - Davitt on this

(Returns to Ireland again)

The Phoenix Park Murders.

Delaney's evidence relied upon

"Delaney shut out from the world" (Oh!) Shannon
"Sequence" in it!

1848. Delaney's evidence. James Lunnmaxes evidence.

1851. Meetings at Bolton St. (Head of Invincibles)

1856. Delaney on Invincibles 1st Letter end '81 - Egan & Brennan leaders.
2nd Middle '81

"Delaney got from Law League" (Sums correspond with sums mentioned in Piggott's letters.)

What Delaney says he heard Byrne say in Clambroze St. that "orders for further assassinations should come from Egan!"

1871. Letters from Egan to James Carey (Genuine)

Persons mentioned by Delaney

(Where is the Corroboration of Delaney in the fact of Egan & Brennan having left the country.)

3397. Loftus on Sheridan

Shea (Capt.)

387 - The warrant for Sheridan (discussion)

4108 - Pamell on Brennan

1509. Pamell's or Carey's statement. 24 Feb. 83.

5370 } (Brennan) Egan writes

James G. Barry *H. Davitt*
 “Uncorrected Proof.”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1.

Tuesday, 19th November, 1889.

(*Sir H. James.*) My Lords, there are two small matters to which I would wish to refer before proceeding with the subject with which I was dealing on Thursday last, in order to correct, or rather to add to your Lordships' note with reference to a matter that the President was kind enough to direct my attention, namely, the distress that existed in Castleisland district, the portion of Tralee district in the county of Kerry. And the fact that while distress existed there in 1880, there was a considerable amount of crime also to be found in that district, which was not in accordance with the general argument. I had been presenting to your Lordships that where there was distress there was not crime. I have endeavoured to meet that view of the existence of distress and crime in the same locality, by pointing out that in the year 1880 the crime commenced, but increased at the latter part of the year—the three latter months. You will recollect the table I have put in. We referred only to the county of Kerry. It escaped my attention entirely that we had a return with reference to this district of Castleisland at page 1149. It commenced in 1878 and 1879, but this special return bears out the general return very fully. And the result of that return is, that in the first nine months of 1880 there were 10 crimes of all characters. If you will commence at the bottom of page 1149 there is one entry for January. Then you will see that the crimes in January and February are not exactly agrarian. They are “robbery of money,” “intimidating gamekeepers,” “obstructing railway lines.” But some of them—I think you will find about six of them—are agrarian. Will you now look at the list of crimes commencing in October? There are 20 in three months against 10 in the nine months. And as I read them, except one, the stone throwing on the railway, they are all agrarian.

(*The President.*) That would show that in that district the same law which you say is manifested with regard to the increase of crime applied; but then are you going to deal with the question of 1878?

(*Sir H. James.*) I am at the proper time, if your Lordship will allow me to say so.

(*Mr. Justice A. L. Smith.*) May I ask one question for my own information? Do you understand that the Land League was founded in Kerry—in the county—when Mr. Biggar went down and made that speech on the 10th of October?

(*Sir H. James.*) It is difficult to fix the date. There was Land Leaguism. The Land League, I should take it, was founded from the date of the 10th October.

(*Mr. Justice A. L. Smith.*) The Land League proper?

(*Sir H. James.*) Yes; and the formal erecting, may I say, of the Land League flag.

One other matter I wish to call your Lordships' attention to is in reference to a quotation that occurs at page 3281. It may be recalled to your memory as being a quotation from the “Freeman's Journal” :—

“All parts of Ford's paper teem with praises of the political agent called
 “dynamite.”

We had a discussion upon the subject, if your Lordships will recollect. I have referred to the leading article. It appears to me—I will not say that there was confusion in the shorthand writer for the moment, or in anyone, but if you will look very carefully at what was said by the Attorney-General, he was passing from one subject to another, you will see that is not a quotation, as far as I can now ascertain.

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SIR HENRY JAMES.

[Continued.]

(*The President.*) What is not a quotation?

(*Sir H. James.*) Those words in praise of "the political agent called dynamite," from the "Freeman's Journal" of the 4th April 1882:—

"All parts of Ford's paper teem with praises of the political agent called "dynamite."

It has inverted commas. The inverted commas, as the shorthand writer has put them in, are correctly put in; but it is a quotation from the leading article of a portion of "Parnellism and Crime," and it occurs in the Blue Book, page 200, and in the Blue Book it is part of the original matter:—

"All parts of Ford's paper teem with praise of —"

and then comes the matter from the "Freeman's Journal":—

"the political agent of dynamite."

Of course we have hitherto taken that as a quotation from the "Freeman's Journal." I wish to point out that is not so. It would be wrong to ascribe it to the "Freeman's Journal." Therefore, whatever be the effect of it, it is an original matter with the exception of the words "political agent called dynamite," but the substance of the matter is not.

It will be probably in your Lordships' recollection that I was dealing on Thursday evening with the accounts of the Land League, and I have endeavoured to relieve you of as much detail as I possibly can, and to deal simply with results, and plain results. The result I wish to arrive at simply is this:—Very large sums of money have reached different officers of the Land League, notably Mr. Egan, and that of the expenditure of those moneys you have had no account.

The exact amount of sums unaccounted for, I do not care to dwell upon or discuss at great length if it be 50,000*l.* or 58,000*l.*—either of these two sums—there was an opportunity for one being within the area of either of these amounts. And probably we are not to have the burden cast, if I may say so respectfully, on this tribunal as to the exact amount that remained unaccounted for. But grave results remain. I will take the total which I find according to Mr. Egan's account at page 3526. I strike out all relief account, although even there, there is apparently more money received according to the schedule we put in evidence than is accounted for. But I will assume that the Relief Account and also the Prisoners' Defence Account have all been properly administered—I will assume that now, my Lords, the first observation I have to make upon that account of Mr. Egan will be that he admits having received, for the purposes of the Land League, 30,000*l.* prior to the 3rd February 1881. 131,000*l.*—I am not giving the fractions—while he was in Paris. Certain dividends or receipts amounting to between 4,000*l.* and 5,000*l.* So that in the result, there is a sum of 166,000*l.* that has to be accounted for. Now, I believe the sum is larger, even upon those accounts, because if you turn to the schedule put in by Mr. Hardcastle at page 3544 you will see there are two accounts mentioned representing the receipts of the Land League in Ireland. It is under the head "Gross Totals of Ledger Accounts, Group A." that is, the Land League group, "Sullivan and others, Organising Fund," 31,517*l.* Egan, Biggar, and Kenny, 14,266*l.*, that is an account in Mr. Egan's name partly. If you will add those two together you get a sum of between 45,000*l.* and 46,000*l.*, which was the sum, as far as we can judge, received in the Irish accounts prior to February 1881.

(*The President.*) One moment. Why do those figures not enter into the account of Egan?

(*Sir H. James.*) They do, my Lord, as far as Egan's account goes, but Egan's account only goes to 36,000*l.* The rest is received by him in Paris. That has been received in Ireland, therefore I am only asking for the difference—that is, 15,000*l.* It is nearly 16,000*l.*—call it 15,000*l.* I am only asking for the difference that he makes himself responsible for.

(*The President.*) I did not notice that.

(*Sir H. James.*) Therefore, 166,000*l.*, plus the 15,000*l.*, will make 181,000*l.* And I ask what we have to account for that. Now I have to give credit of certain sums. There are certain receipts in Ireland through Alexander—Alexander being the correspondent of Munro, the French house—and through Alexander sums were transmitted,

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SIR HENRY JAMES.

[Continued.]

which I shall assume in favour of Mr. Egan's account, came from Paris. They amount to 72,470*l.* That was the transmission from Paris to Ireland during the Ladies' Land League time. I think, probably, although we give credit, that it all comes from Egan; it would be likely enough it would; there is probability it would; so we will take it that that sum did come from Mr. Egan, and so it would be accounted for. Then your Lordship also called my attention to a balance of 27,000*l.* invested. Well, if we add 72,000*l.* and 27,000*l.* together, with some fractions, we may well call it 100,000*l.* So that is all that is accounted for by Mr. Egan.

Then some of this came to Ireland. I will not trouble your Lordships with detail, unless you wish me to enter into it. If you do I am prepared to do so, but if you take the books D 1 and D 2, the greatest possible amount which you could see would be accounted for in any way, comes to 14,606*l.* I am giving the most liberal view of that account. It is small, but I take it at that amount. That is all the account that is furnished from any book of expenditure of the Land League money, so I say that the result remains, that, even as respects Mr. Egan and his expenditure, you have still a balance of 6,000*l.*—I am speaking now in round numbers—unaccounted for.

But will you look as to the 72,000*l.* sent to Ireland to the Ladies' Land League. You also have no account of that. You know not where that money went. That romantic book, the Book of Kells, which these ladies kept, of course we know not what it contains. It has never been produced. There is no account of the Ladies' Land League expenditure. And so, although with respect to Mr. Egan you may trace the payment of 72,000*l.* to the Ladies' Land League, how that was expended you know not. And so, unless your Lordships require further details, the account now stands that during the time of the Land League, that the whole amount received by Mr. Egan alone was 246,000*l.*, nearly a quarter of a million of money. There was a further sum received in Ireland which has to be added, but substantially striking out the Relief Account of which I say nothing—with the exception of this 14,000*l.* which I am putting, as I say generally, as an accounted sum—there has been no account given to your Lordships in any shape of the Land League.

Of course I do not now, when dealing with the expenditure, stop to dwell upon that which I trust will be in your Lordship's mind. But, according to Mr. Parnell, Mr. Egan's method of expenditure was unchecked. As I have already pointed out to you, Mr. Parnell said he or I could direct how the money should be spent. We find traces of the 2,000*l.* for political purposes made by Mr. Egan to Mr. Parnell.

(*The President.*) With regard to that Mr. Parnell said he thought that that resolution had been rescinded. Mr. Davitt, can you point to any evidence that it was rescinded?

(*Mr. Davitt.*) It was rescinded, my Lord. I have not the evidence; the evidence would not be forthcoming. It is in the books of the Convention, and they can all be found?

(*Sir H. James.*) Mr. Parnell's statement was, I think, that it was rescinded. But no other witness has spoken of its rescision. If it was a rescision, may I use that questionable term, it was a fundamental law of the League, because the pledge was given to America that no money should be spent for parliamentary purposes. Therefore, I presume that would have had to have been altered openly and publicly. We can find no trace of it. No leader of the Land League says it was done, and I do not understand Mr. Davitt to say that he was present when it was done. No newspaper speaks of it, no record can be found of it, and, my Lord, we can find no record, as I say, whatever of it. The importance of this, of course, in respect to Mr. Lord's view, would be very great. If this was rescinded, Mr. Ford would have objected to it. He would not have been not satisfied with it only, but he would have objected to it. It was his view it should not be spent for parliamentary purposes. And if it was, as it must have been, rescinded as early as March 1880, for that was the date of the General Election and of the money being paid for that purpose, there ought to be rescision about that time. Then it was that Ford's attention would have been called to it. But we know nothing of Ford taking any steps until October, which was long after this. And it is impossible to suppose that this rescision can have taken place. We find him protesting against the fact that the money should be spent for parliamentary purposes. I pass, therefore, from this account, with your Lordship's permission, to deal again with that subject from which I passed away in order to deal with these accounts, namely, the books and the

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SIR HENRY JAMES.

[Continued.]

documents that have been placed before your Lordships. Whatever may be probable about these four books representing the whole book of the Land League, I say that there is direct evidence to show that these books are not the books of the Land League that we are in search of. At page 6232, when Moloney was examined, you will find he gave a detailed account of these four books, D 1, 2, 3, and 4. I do not wish to repeat what I said to you on Thursday, but may I remind your Lordships that D 1 and D 4 are the only books that are books kept before the suppression of the Land League. D 2 and D 3 are subsequent, as you will recollect, to the date of removal, which was on the suppression of the League; D 2 and D 3 are subsequent books substantially. There are a few entries I think on the 10th October, so Moloney told you. D 1 and D 4 are the only books that are books relating to the period before the suppression of the League. That he explains in detail, if you will refer to page 6232. Now he gives this at page 6234. He says that those four books were all of them being made up, and we now know they were an echo of the bank book, and some of the entries were made prior to the suppression of the Land League. They have never been out of his—Moloney's—possession up to the time he left Dublin.

(*The President.*) What is the question?

(*Sir H. James.*) 97,051; the previous question is——

“ Did you retain possession of them?—(A.) These four books have always
“ been in my possession, at least they have been in my possession up to the time
“ I left Dublin in 1886, and then my brother-in-law took charge of them, and
“ he had them till I received the subpoena from Mr. Soames.”

And that would be in the nature of things the two he was working upon, as he spoke of, in his bed, after the suppression of the Land League. And we are, so far as we can tell, or so far as we can suggest, from anyone that was called, but Moloney had possession of these books. Now I wish to compare that with Mr. Campbell's letters, at page 2075—a letter of October 18th, which is received——

“ Mr. O'C. and Mr. Sheridan will proceed to London to-day. I will go by
“ Liverpool, and will bring the books from there to Palace Chambers, and I shall
“ also instruct the men at Liverpool to return to Dublin as you request.
“ Mr. O'Connor wishes you to send him a cheque.”

and so forth. What books are they? Those are the books we have sought for in vain. They are not the books that were in Moloney's possession. These books were at Liverpool. What men would have been required to carry about these two books—for we must reduce them to those—D 1 and D 4? What men would be required to go to Liverpool to carry them about? But even if they had required men to take charge of such books, those books did not go to Liverpool. And those books, we suggest to you, were the records of the Land League—perhaps of the cash book of which Dr. Kenny spoke—those books which were carefully guarded—so that men specially went to Liverpool with them—which was the time of Mr. Campbell's letter—have never been produced to you. I do not now stop at this moment, as I have a long list to give you of persons absent from this Court, but Mr. Campbell has not thought it right to tell you what these books were. He knows what books they were. Those connected with the Land League must know what they were. And it is surprising to think when we are asking for the books that were removed to Liverpool for some purpose, the books in Moloney's possession are all that were produced.

(*Mr. Davitt.*) I think it is only just to tell the Court that Mr. Campbell attended the Court several days and weeks upon a subpoena from the “Times.”

(*The President.*) No, no; he ought to have been called to give evidence on that subject by the respondents.

(*Sir H. James.*) May I remind you, as I wish to occupy as little time as I can with detail, that when we were asking for books and documents, there is the evidence of Dr. Kenny which is, that there was a cash book which we have not got. He says that at page 55,349, Mr. Phillips spoke at 6264 of two large sacks full of documents given to Mrs. Moloney. There is a list at page 6268 given by Phillips, I think, of some documents given to different clerks. There is a proof at 6270 of a vanload of something, I admit it included furniture, but a vanload of documents and furniture going

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SIR HENRY JAMES.

[Continued.]

to Frederick Street, the street we heard of as where Mr. Sexton lodged, and so whilst Mr. Davitt is speaking of thousands of letters received, whilst Mr. Phillips tells you of the large number which arrived every morning, whilst we have all this proof of documents and proof of their existence, whilst we have Mr. Campbell's letter showing his plan as to their safety, all we have seen is these four small books I have mentioned, and now some few documents to which I wish to refer. Your Lordships will recollect the documents that were material are few in number in the first place, and all of these many records some came almost accidentally into the possession of the legal adviser of the "Times" newspaper. The history of them your Lordship will probably have in your mind, that at the time of the dislocation of the Land League some papers were taken to the house of the clerk, Mr. Phillips. It was anticipated there would be a visit from the police, and there was one, and a small bag was placed by Mrs. Phillips, so as to avoid discovery, upon a wardrobe; they did avoid discovery, and Mr. Phillips long afterwards gave them up as they were. As I say, they were very few in number, only it so happens, though a small parcel of them, they contain important matter. I am putting to your Lordship, especially after hearing Mr. Ferguson's account, that these documents which accidentally came into the hands of those who have now made them public, would have found repetition in that vastness of record that has been disposed of in some way or other so as not to meet your Lordship's observation, and I am going to ask your Lordship, after having your attention called to Mr. Ferguson's evidence, to come to the conclusion that these documents that have not been produced before you would, as these documents do establish that crime was brought to the cognisance of the central body of the Land League, and that the central body not only did not discourage this crime, but that it so far encouraged it as certainly to compensate those who had committed it. You will recollect that these documents were proved under three different heads; some of them were put into the hands of the witness Farragher for identification of handwriting, which will appear set out in his evidence; others were produced by Mr. Soames directly, and there was comparison of handwriting, so that particular proof was not required for them; the Butterfield document came into the possession of Mr. Soames later than the other which was put into the hands of Mr. Lowden and was proved. I will pass, if your Lordship will allow me, very quickly over these documents, and I will refer to those which are important, at least more important, as I regard them than the others. The first I will refer to very briefly indeed is at page 2859. It is under the date of September 19th. I put it in to show that at that time the secretaries of the branches of the League were sending in their applications to J. P. Quinn. The branch League resolution was asking the writer, O'Rourke, to write:—

"For some assistance for three labourers, who refused to work a threshing machine for Mr. Robert McCowen, merchant, Tralee, on a farm from which a poor tenant, named Pat Slattey, was recently evicted (and all his crops including corn, potatoes, and hay, confiscated) by Julia Thompson, one of the representatives of the late John Hurly"—

Your Lordship will recollect her evidence.

"and on which farm a Land League Labour and Indignation meeting is to be held on Sunday next to protest against her cruel conduct, not only towards poor Slattey, but other victims to her tyrannical and diabolical rule while guardian over this property. Those poor labouring men deserve the greatest credit, as through their patriotic action Mr. McGowen's machine had to return to Tralee again, and nobody in the locality would work it or help to thresh the corn. Their names are Thomas Dowling, Barra; Michael Kelleker, Barra; John Riordan, Barra. A cheque as soon as possible, made payable to me, for the relief of those brave fellows will be faithfully received, immediately distributed, and acknowledged."

Then, my Lords, there is a postscript in respect to Mr. Sexton, which I do not know is very material. The next occurs at page 2860, also addressed to Mr. Quinn at Kiltimagh:—

"I am directed by the Committee of this branch to make an application to you for a grant on behalf of one Thomas Golding, a herd, who was dismissed for refusing to take care of cattle on the farm of Dominick Murtagh, which was

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“ twice cleared. I trust that you will consider his case as he gave in without
“ scarcely any pressure being brought to bear on him.”

This brings home to the Central Land League and its secretary the proposition I dealt with when addressing your Lordship upon the subject of evictions, that it was the Land League that were endeavouring to make the tenants so act, that they would be evicted, to cause them to refrain from paying their rent when they could pay it. As your Lordship sees, here was this expressive language. “ He gave in,” that is, the tenant gave in without scarcely any pressure. Gave in to whom?—to the Land League. Gave in in what respect?—gave in to refuse to pay his rent with that gentle pressure of which we have heard very much in this case.

(*The President.*) Not quite that.

(*Sir H. James.*) Without pressure.

(*The President.*) No, he was dismissed for refusing to take charge of cattle.

(*Sir H. James.*) :—

“ I trust you will consider his case as he gave in.”

I beg your pardon, I see what your Lordship means. I was treating him as a tenant. Will your Lordship allow me to correct that. The principle is the same, but your Lordship is right, he was dismissed for refusing to take charge of cattle, but what is it, I am not now speaking of evicted tenants, it is the same system, because there again you are dealing with a farm which is cleared, which means eviction, that he having to work upon that farm when he gave in, says, “ I will not work,” with only this gentle pressure to which I have just referred.

Will your Lordship allow me to pass over the next letter for one moment, as I am going to refer to it in detail. It also occurs on this page. It is the Horan letter. There is one more letter on page 2863, also addressed to J. P. Quinn.

“ The enclosed letter received from Mr. Phelan, a member of our Executive,
“ inquiring as to the case of Hickey, a cottier and labourer, who was evicted
“ some short time ago. I would be glad if the Executive made him a grant.
“ Mr. Arthur Usher refuses to give him his potatoes, and I am just informed that
“ the labourers of the district refuse digging the evicted man’s potatoes for the
“ landlord, and that placards are posted up threatening death to anyone that does
“ so. I have also heard that another labourer who went lately to reside in the
“ evicted man’s house, was also threatened. The matter has caused a good deal
“ of excitement. A little relief would be the means just now of strengthening
“ and extending the League in this district.”

I have read that partly for the fact, that seeing what these documents were, to note that the endorsement at that time on the 12th September 1881 is “ J. F.” or John Ferguson. Only one more letter on this matter will I refer to, and that is on page 2865. That is also addressed to Quinn :—

“ Dear Sir,—I wish to know from you if we could get any assistance for a
“ few labourers whose employers refuse to employ them at the terms recom-
“ mended by the Land League.”

Your Lordship sees that was a new method of authority.

“ I am happy to tell you that there was but one of these employers Land
“ Leaguers, and we got him expelled. All the labourers of this place were out on
“ strike a few months since, and we promised the support of the League to the
“ labourers who would not get the terms recommended by the League at the
“ time. A little practical assistance in this way to the labourers would have, I
“ know, in this parish at all events, the effect of bringing the sympathy of the
“ labourers to the Land League more than all the speeches of Mr. Parnell or
“ Michael Davitt ever made. Poor fellows, they have not the intelligence or
“ patience to see the future, I would be very glad that something would be done
“ for them that we may be at all events one united people. Once they find they
“ are recognised by the ‘ Executive ’ it will do them. We would like that he also
“ got something, if possible.”

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Then, my Lord, is the red ink note:—

“As the Branch advised we give 5*l.*, but cannot as yet take strikes into consideration. We give 3*l.* to the Smith.”

That is from the Land League.

My Lord, the next letter in date is the Butterfield letter, as we have termed it, and that is proved at another part of the proceedings at page 5974. It is signed by William Doris, whose position in the Land League your Lordship will remember:—

“The Executive are anxious to give you some assistance in the case. They have directed me to send your statement to our solicitor, and to inquire what the costs of the bail motion would be. They are of opinion that the friends of the prisoners should subscribe half the expense.—Yours faithfully.”

The memorandum is written by Mr. Butterfield: “Three men are in gaol.”

(*Mr. Justice A. L. Smith.*) That was a letter from Doris, was it not?

(*Sir H. James.*) It is signed by Doris, my Lord. The memorandum is Butterfield's. You will see it continues the memorandum at the back:—

“Three men are in gaol on the charge of intimidation and house-breaking.”

I think one of your Lordships said that looked very much like moonlighting.

“Intimidation and house-breaking now waiting their trial at Mullingar Assizes, the 5th December. I must have a promise that a grant will be made for their families, and they will be defended by counsel sent by executive, 2*l.* each would be well received, and they are really deserving. 8th November 1881. John Butterfield. The prisoners are seven weeks in jail.”

My Lord, I have referred to this before, but I say it is a sad record to find that these are the responsible body of men who, my learned friend Sir Charles Russell told you, and who Mr. Davitt told you, were the *de facto* rulers of Ireland, without inquiry as to guilt or innocence, this statement is made. Those men are really deserving. Those men were charged with intimidation and house-breaking, which means, of course, proceeding to a man's house and intimidating him by whatever means it may be, moral or physical, and then without inquiry as to the guilt, but upon this statement that they are in gaol upon this charge of intimidation and house-breaking, money is to be given to those dependent upon them, and counsel found for them by the executive, because, as this organiser, Mr. Butterfield, says they are really deserving men.

My Lord, there are two other letters at page 2868, and I refer to one as showing the system to which I have already referred, that the tenants were not voluntary actors in the contest that was being carried on against landlordism. I have already referred to this matter. I only remind your Lordship of its contents. You will see about six lines down in the middle of the letter:—

“Now I have to inform you that Brennan's cow and donkey was seized on yesterday under said writs, and are now in the pound, and will be sold at Kiltimagh in a few days' time, and I trust you will be so good as to keep the promise you have made in giving the aid we require for these tenants, I will be anxiously awaiting your reply on Saturday morning, and trust you will not fail in giving the necessary aid. All the tenants require is the costs attending the suit, as it is with these conditions they allowed proceedings to go on.”

Then, my Lord, the letter proceeds in the same way. There is a similar letter on the next page, 2870, also written by the secretary to the Branch League. I need only read the last three lines of it:—

“Breen's men are determined good leaguers, and able to pay their rent at any time, but will allow themselves to be put out sooner than surrender. I await your reply as soon as convenient.”

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The letter was an application for a counsel to defend the case at New Ross Quarter Sessions on behalf of the men served with ejectment by the landlord. On the same page you will notice there is a similar letter of the 22nd of October:—

“Gentlemen,—Whereas the legal costs in the case of the Lenicon estate tenants, William, James, John, and Edward Rayencroft, together with Thomas Aldridge, is still unsettled or not considered by you. It is hard for us here in Ballydehob to stand the attacks of those parties who allowed themselves to be sold out on consideration of being paid their costs while those matters are franked elsewhere.”

There is a postscript which brings it home to Mr. Parnell apparently to some extent.

“At the last demonstration in the city of Cork, as H. P. Mahoney, ex-suspect of Ballydehob, had an interview with Mr. Parnell, he said to him that he’d see about the matter I refer to, as those parties are Protestants and are very numerous in this locality. Unless those costs are paid it will cause lukewarmness on the part of the whole of those parties.”

There is one similar at page 2871, on the 24th of October:—

“Cosgrove would have made a settlement with his landlord were it not that he relied on the promises of the League.”

I have not troubled your Lordships, in supporting these letters, with the proof that they were acted upon, but you will recollect that with respect to the three men in gaol, it has been twice over-proved that the entry of 6l. was under the name of Butterfield, and corresponded in date.

My Lords, I have taken examples of these documents very briefly, but, of course, as your Lordships will expect, we have still to deal with one important document, and that is a letter that no one can doubt, read by the light of Ferguson’s evidence, is a letter full of grave importance. It is set out *in extenso* at page 4841. I should like to have the original. [*The original was handed to Sir H. James.*]:

“I beg to direct your attention to a matter of private character which I attempted to explain to you when I was in Dublin at the Convention. The fact is that one of the men, from a shot, lost the use of his eye. It cost him 4l. to go to Cork”——

My Lords, that is printed, as you will see, “to go to the court.” I have asked for the original letter, and it is to go to Cork.

“for medical attendance. Another man received a wound in the thigh, and was laid up for a month. No one knows the patients but the doctors and myself and the members of that society. I may inform you that the said parties cannot afford to suffer. If it were a public affair a subscription list would be opened at once for them, as they proved to be heroes. One other man escaped a shot, but got his jaw grazed. Hoping you will, at your discretion, see your way to making a grant which you send through me or the Rev. John Hallagan, C.C.—Yours truly, TIMOTHY HORAN.”

Perhaps, your Lordships will let me hand this letter to you. It is printed “John Hallagan,” and something turns upon the name. I think it clearly is “O’Callaghan.”

(*The President.*) I should have thought there was no doubt about its being O’Callaghan.

(*Sir H. James.*) That is my reading, my Lord.

(*The President.*) It might, of course, be John Hallagan.

(*Sir H. James.*) It might be so, but I think we have it by admission from Mr. Hallagan who this gentleman is.

My Lords, I first have to ask who is the writer of this letter, and under what circumstances did he write it? You will see the signatory to that letter is Timothy Horan. We learn who this man is from two witnesses. One is a witness to whom also reference has been made, namely, Thomas O’Connor, and the other was Inspector

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Davis, and I am asking your Lordships to see the condition of Castleisland as shown by the evidence of those two witnesses, when we see what this letter meant. Thomas O'Connor was one of those witnesses who comes under the head of the name Informer. His evidence is given at page 1335. I am about to read this letter as corroboration of O'Connor's evidence. This is an Informer, and I ask that O'Connor's evidence be read too, as throwing light upon this letter. This particular part of his evidence is at page 1335, beginning at question 22,196 :—

“ Do you remember any persons who took part in that kind of discussion ?—
 “ (A.) I do. (Q.) Mention the names ?—(A.) Patrick Kenny, Thomas Moore,
 “ and Tim Horan, the secretary ; I remember them three. (Q.) I think you
 “ added that Timothy Horan was the secretary of the branch ?—(A.) Yes, he
 “ was the secretary. (Q.) Was Timothy Horan secretary of the branch from the
 “ beginning ?—(A.) He was as far as I know. (Q.) Just answer my question, yes
 “ or no, if you please. Did you, at any time, hear of an inner circle or body ?—(A.)
 “ I did. (Q.) Were you at any time invited to join it ?—(A.) Yes. (Q.) Did you join
 “ it ? (A.) I did in a—— (Q.) Only answer my question, please. (*Sir C. Russell.*)
 “ No, go on. ‘ I did in,’ what ?—(A.) Well, in a way. (*The Attorney-General.*)
 “ Very well, we will get it all out, Sir Charles, if you will only permit me.
 “ (Q.) When, please ?—(A.) Some time, I think, in December 1880. (Q.) What
 “ was the inner circle called ?—(A.) They were known at that time by the name of
 “ ‘ the Boys.’ (Q.) How did you come to join it ?—(A.) Well, two boys, members,
 “ or who said they were members—who told me they were members—used to be
 “ often asking me to join. (Q.) Two men who told you they were members of
 “ ‘ the Boys’ ?—(A.) They told me they were members.”

Then if your Lordship will proceed to the next page he gives the names of the persons who asked him to join Twiss and Connor. They said to him :—

“ It would be a proud thing to be a soldier of Parnell's, and that I would get
 “ a little pay for doing nearly nothing. (Q.) Did you consent or not ?—(A.) After
 “ some time I consented. (Q.) Just answer yes or no, please. Had you heard
 “ anything about ‘ the Boys ’ being sworn ?—(A.) I heard they were sworn ; they
 “ told me they were sworn. (Q.) After you consented to join were you taken
 “ anywhere ?—(A.) I was taken into the secretary's room, and in the presence of
 “ the secretary. (Q.) Was that in the same place as the meetings were held at
 “ or a different place ?—(A.) At his own house. (Q.) You mean at Timothy
 “ Horan's house ?—(A.) Yes. (Q.) Who were there ?—(A.) No one but himself ;
 “ no one but Timothy Horan. (Q.) Who took you there ?—(A.) George Twiss
 “ and John Connor. (Q.) Did they go in with you ?—(A.) They did. (Q.) Now,
 “ did anybody say anything ? Did Twiss say anything, or did Connor say any-
 “ thing ?—(A.) Twiss said, ‘ Tim,’ ”——

I presume that is to Horan,—

“ ‘ this fellow is all right, and we want one, or him, in his district.’ (Q.) What
 “ was your district, I mean where were you living ?—(A.) The parish of Killen-
 “ tierna. (Q.) Now you can tell me, was there any one boy or member of this
 “ circle which you joined in your district at that time ?—(A.) No, not to my
 “ knowledge. (Q.) What did Horan say ?—(A.) All right.”

Then my friend goes back about persons who are said to have paid their rent. When these names were mentioned at these meetings the witness said :—

“ It was said that they were bad, and that they are to be put off the face of
 “ the earth—the ground—something of that.”

Then, my Lord, he proceeds to mention several outrages—at least there were several attacks, and a collection of men. He speaks of dealing with a Mrs. Horan, and putting her back, at page 1337. 22,263 is the question :—

“ Were you paid for the part you took in this putting back Mrs. Horan ?—
 “ (A.) I received 6s. (Q.) Who from ?—(A.) From the secretary, Timothy
 “ Horan.”

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Will your Lordship be good enough to allow me to refer you to this man's evidence at page 1342. He is dealing with the case of a man named Cullotty. It is question 22,415:—

“ Were you at the meeting of the Castleisland branch on the Sunday?—(A.)
 “ I was. (Q.) Was anything said about Cullotty at that meeting?—(A.) Yes, a
 “ tenant came in, and he showed a writ, and he said that Cullotty came with the
 “ bailiff that served the writ, and pointed out his house to him. (Q.) Do you
 “ remember whether, beyond saying that Cullotty had pointed out the house to
 “ the bailiff, he said anything more, or anything more was said then?—(A.) Well,
 “ the committee retired. (Q.) The committee retired?—(A.) Yes, to another
 “ room—their private room. (Q.) The committee retired. Did anybody accom-
 “ pany the committee when they retired—any priest?—(A.) Yes, Father
 “ O'Callaghan; but I think he was a member of the committee. (Q.) Father
 “ O'Callaghan was there, and you think he was a member of the com-
 “ mittee?—(A.) He might be the chairman; I cannot be sure at the
 “ time.—(Q.) Do you remember the tenant's name who brought the writ?—
 “ (A.) John Brosnan. (Q.) Did the committee come back into the room after
 “ they had been away some few minutes?—(A.) They did. (Q.) Did the chair-
 “ man or Father O'Callaghan say anything when they came back into the room?
 “ —(A.) Well, he smiled, and he said they all knew Cullotty; that he was an ugly
 “ man, and that he would be soon uglier, and he told Brosnan not to let the writ
 “ trouble him; that he would have satisfaction.”

This man O'Connor's evidence on this point is confirmed by Inspector Davis. You will recollect this inspector was one of whom Mr. John O'Connor spoke in terms of commendation as a person who even from his point of view could be relied upon. In the first place, Davis, the inspector, at page 1112 is asked, at question 17,426:—

“ I also gather from what you have said that Moonlighters were very fre-
 “ quent in their visits during the years you have mentioned since 1880?—(A.)
 “ Yes. (Q.) Had you known any such practices existing before 1880?—(A.) No,
 “ in no part I was in did I know anything of the kind. (Q.) You were only
 “ there from December 1880, but I am speaking now of your previous experience
 “ in the police force in other parts of Ireland. Had you known any such prac-
 “ tices as these moonlighting visits?—(A.) No.”

Now, at page 1117, question 17,560, he is speaking of a later date, but he says this in relation to it. He says:—

“ About the year 1882, I think, I first was made acquainted with the organi-
 “ sation and how it was got up. (Q.) What brought it to your attention?—
 “ (A.) My inquiries as to how, in the course of so short a time, a large district
 “ like this could become so disorganised, that such a state of disorder should
 “ exist in it. (Q.) And what did you discover?—(A.) I discovered that in the
 “ Land League there was an inner circle which organised the Fenians of the
 “ district into a Land League police; to carry out the behests of the League. I
 “ told that to the Cowper Commission. It is not published in the report.”

Then one word more about this Father O'Callaghan. I wish to refer you to the evidence of Patrick Darby Kenny on the point at page 5132. He belonged to the Castleisland branch. He was the president of the Castleisland branch, and was called by my learned friends. At question 78,353a Mr. Atkinson asked this:—

“ Did you endeavour to ascertain at all who the parties were who were com-
 “ mitting these outrages?—(A.) We heard of them every day. (Q.) What
 “ did you hear?—(A.) Of those outrages—at least very often. (Q.) Did you
 “ endeavour to ascertain at all who were committing them?—(A.) No. (Q.) Did
 “ you take any trouble to ascertain?—(A.) The only trouble that we went to was
 “ to condemn them in the League generally. (Q.) That was not taking the
 “ trouble to ascertain who committed them; did you suppose that you as a
 “ Land League would have influence with the people who were committing
 “ them?—(A.) Well, I think so. (Q.) What class did the criminals come
 “ from?—(A.) I could not tell you. (Q.) You must have supposed the Land

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“ League would have power to influence them, did you not?—(A.) Well, naturally.
 “ (Q.) Were not they committed upon men who had disobeyed the rule of the
 “ League?—(A.) I beg your pardon. (Q.) Were not they generally committed
 “ upon men who had broken the rule of the League?—(A.) Possibly. (Q.) Do
 “ not you know they were?—(A.) I do not know it personally. (Q.) You heard
 “ of several of these outrages having been committed, did you not?—(A.) Yes.
 “ (Q.) What offence had the victims been guilty of?—(A.) I could not say. (Q.)
 “ No idea?—(A.) I have an idea—for the payment of rent, and such as that.
 “ (Q.) What body told men not to pay rent except the League?—(A.) They may
 “ have resisted themselves, when they were being over-taxed or burdened. (Q.)
 “ Can you point to anybody in existence that directed the people not to pay
 “ rent except the Land League?—(A.) The Land League did not to my know-
 “ ledge. (Q.) Did not tell them not to pay rent?—(A.) Yes. (Q.) Do you mean
 “ to say the Land League did not give any instructions as to not paying rent?—
 “ (A.) No, not to my knowledge.”

Then a little lower down:—

“ Did you hear of outrages being committed on men who took evicted farms?
 “ —(A.) There were very few evicted farms taken in our neighbourhood. (Q.)
 “ Did you hear of outrages committed upon men who had taken them?—(A.) I
 “ did. (Q.) On men who had taken care of evicted farms?—(A.) Yes. (Q.) Was
 “ it part of the Land League teaching that men should not take evicted farms?—
 “ (A.) It was. (Q.) That men should not herd evicted farms?—(A.) Well, I
 “ believe so. (Q.) Now, did you endeavour to ascertain at all who it was that
 “ was coming forward to punish the men who violated the rules of the League?—
 “ (A.) No. (Q.) Or what class they came from?—(A.) Oh, no. (Q.) They had
 “ nothing to gain by it, had they?—(A.) I am not aware. (Q.) And then some
 “ persons came forward to commit these outrages without any object, apparently?
 “ —(A.) There must be an object I suppose. (Q.) What was the object?—(A.) I
 “ could not say. (Q.) There were some men boycotted, were there not?—Well,
 “ partially.”

Then on the next page, at question 78,439, Mr. Justice Smith asked a question of this witness:—

“ I will ask a question. Do you remember a Catholic curate named Hallag-
 “ han?—(A.) Callagan. (Mr. Atkinson.) It must be Callagan.”

Your Lordship sees he does not know Callagan.

“ Was not he a curate there in September 1881?—(A.) No. (Q.) Was not
 “ the Rev. John Callagan curate of Castleisland in September 1881?—(A.) I have
 “ no recollection of it.”

Then Mr. Reid says, “ My Lord, it is O’Callagan. It is misprinted.” Then your Lordship repeats it, and he says, “ No; I have no recollection of any such name.” Mr. Atkinson suggests “ Callaham,” and he answers, “ Oh, Callaham, there may be.”

(The President.) That is put as an exclamation. “ Oh.” That may have been “ O’Callaham,” which would bring it very close.

(Sir H. James.) Yes.

“ Is he there now at Castleisland?—(A.) For the name of the farm and the
 “ parish, there are several of that name. (Q.) But a clergyman?—(A.) Yes.
 “ (Q.) Is he there now?—(A.) No. (Q.) Do you know where he is?—(A.) In
 “ the western part of the diocese. (Mr. Atkinson.) In the same diocese?—
 “ (A.) Yes.”

Now I do not wish to leave it in doubt as to who this gentleman is, because it may be said we have the distinction of the “ m ” and the “ n.” But Mr. Timothy Harrington, who was in this case, and must be well acquainted with this district, tells you who this gentleman is.

(The President.) I see that that correction comes from Mr. R. T. Reid. He says, “ It is O’Callagan; it is misprinted.”

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(*Sir H. James.*) It is so.

(*The President.*) And the witness apparently after that adopts that and says "O'Callagan." It has been printed as though it was an exclamation. It would appear to be "O'Callagan" since he knows the man.

(*Sir H. James.*) I think this matter is put beyond doubt at page 5448, when Mr. Timothy Harrington was giving his evidence. This is put to him very closely :—

"Is Father Callaghan alive?—(*A.*) I could not tell you; if you mean Father Callaghan referred to in the course of these books, he is alive. (*Q.*) I mean Father O'Callaghan referred to by O'Connor?—(*A.*) Did he refer to Father O'Callaghan, then that is the same Father O'Callaghan. (*Q.*) What is the name of the clergyman referred to in Horan's letter; do you recollect?—(*A.*) That is the same clergyman. It was to that incident I thought you were directing my attention."

Now, my Lord, I think I have cleared the ground so far. We have now proved that in this Castleisland district in 1881 there were outrages taking place. That there was, according to Mr. Davis, an inner circle of the Land League, at a later date, I admit, but at some time, carrying out the decrees and objects of the Land League. According to O'Connor there was in 1881. There was a society or body called "the Boys," who were, as he has in detail given you an account, carrying out the Land League decrees; and they, to some extent, at least, attended the committee of the Land League, and on one particular occasion acting with them was this Reverend Father O'Callaghan, and then the secretary of that branch, Timothy Horan, writes that letter to the Central League for the purpose of receiving the money to be given to those men to whom again I have to refer. That letter reached the Central League (and its terms now you have), and having reached the Central League, we have upon it "J. F., 6l. 12th October 1881." Now, my Lord, knowing, as we do, that that is Mr. John Ferguson, a conspicuous leader amongst the Land Leaguers, acting in this office by virtue of his position upon the executive committee, upon the 12th October 1881, we now have the statement that his letter being read in all its sad and disgraceful terms, that he who represented these Land League, who was carrying out the business of the office, and was fulfilling the duties cast upon the executive committee, gives answer to this application that the criminal, attempted criminal at least, who had been shot in the manner mentioned here was to be paid, or those criminals were to be paid, the sum of 6l. out of the funds of the Land League, and they were so paid. I may be told this is an isolated instance, even if we are not entitled to add the Butterfield case to it. It is not so. It may be a separate and distinct instance so far as we produce the letter and show its terms; but Mr. Ferguson has had to give his explanation of this matter, and, as your Lordships will see, he tells your Lordships in detail how it was that he came to vote this money, and upon what principle he acted in allowing it to be paid. My Lord, I state generally that Mr. Ferguson's evidence is that he gave it on behalf of the League, it may be in accordance, as he says, with the views of his colleagues; he gave it not as an exceptional instance; but he gave it there being other letters of a like character, some of which were answered in the affirmative. Some were replied to in the negative, and then when questioned he says I would not do it again if I were (pointing to the counsel who examined him) a lawyer, because I might bring the Land League into a position of difficulty; but, speaking for myself personally, read that letter as you will, I would do the same thing, and I would give money again to the man who appealed to me on behalf of him.

(*Mr. M. Davitt.*) Yes, but my Lord, with all deference to Sir Henry James, I think Mr. Ferguson said he would give it in the way of medical charity certainly; not in the way of rewarding crime.

(*The President.*) Medical charity given to men who had been engaged in some outrage. That was the point.

(*Sir H. James.*) And given after the medical advice had been obtained, and after it had been paid for, and to repay them the money that had already been expended. If the men had been lying upon the roadside, and it had been said, "That man is a murderer. Will you let him die or will you ask a surgeon to attend to him," the purest and the honestest man should say for many reasons, "Let his life be saved, and "I will see that a surgeon attends to him." But that is not the position here. The

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men had been to Cork and had obtained the medical advice. There was no saving of life, and no act of charity of any kind; it was to repay the money which someone had expended, and someone had found; and whether it was for medical advice or, however, it may be, the result was the payment went to the men who had probably committed or attempted to commit a foul crime.

My Lord, I do not wish to overstate the propositions I have made to you. Mr. Ferguson's evidence and cross-examination occurs at page 4841. That is the page where you will find the evidence of Mr. Ferguson on cross-examination in respect to this letter. It is put to him, as your Lordship will see, first, what he thought this letter meant, and his first proposition is that he thought the people referred to might have been injured by the police in Ireland, just as at Mitchelstown. Then, of course, the terms of the letter are pointed out to him; that it was a matter of a private character,—

“ No one knows the patients but the doctor, myself, and the members of that society.”

and it is asked, If these people had been the victims of outrage, why should they be kept so secret? My Lord, I think he was driven from that proposition. Then he proceeds to express his views upon this matter.

He says this at page 4842—

“ Did you inquire or did you care what that society who knew the patients was?—(A.) Possibly not. If they were wounded, I would have relieved them all the same. (Q.) That now you say in the box?—(A.) I would without a doubt to-morrow. (Q.) To-day suffices. These people being engaged in crime so that their names would only be known to themselves, the doctor, and some society, without inquiry, would you assist them?—(A.) If they were engaged in crime I might not be disposed to assist them. Even then, perhaps, it might be an act of charity, but not for the organisation of the Land League to assist them. (Q.) I am speaking for yourself?—(A.) Personally I would assist them, even if they had been engaged in crime, to medical assistance, if no other could be got. (Q.) And may I take it if you were acting on the executive of the Land League to-day, and this letter came to you as it is, you would do as you have done and vote money for these men without further inquiry?—(A.) No; except in the matter of implicating the Land League; I would most assuredly try to avoid it. (Q.) But you did it as a member of the executive of the Land League?—(A.) So it seems. (Q.) And you would do it again as such?—(A.) No; I would do it on my own responsibility individually, but not as a member of the Land League if I thought that there was any complication that would put the Land League off the legal ground we wanted to be on.”

Your Lordship will see this is not a question of morality.

“ (Q.) Why would you not do it as a member of the Land League?—(A.) In Ireland, my Lord, we are bound to sympathise with men who are doing things that under a constitutionally governed country we dare not and would not sympathise with.”

My Lord, what does that somewhat abstract answer mean? That these are things he could not sympathise with if done in England. Why not, if the men had been shot by the police? It was because they were acts of crime, he could not sympathise with them.

We have to deal with what is legal?

(Your Lordship says)—

“ (A.) Exactly. (Sir H. James.) Do you, under the term doing things which you would not do where there was constitutional Government include, or do you not crime?—(A.) Crime is not— (Q.) Do you or do you not, first?—(A.) I answer in the words of Kendall Bushe, who was my authority upon the matter: “ Pass this law in 1801 and resistance to English law becomes the duty of “ Ireland through the coming ages.” ”

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This, my Lord, is the morality, the political morality, of one of the executive of the Land League, in answer to that question, saying "We draw the line at crime," but this abstract answer is "resistance to the law" (that is, the law which punishes murder, or whatever the law may be) "becomes the duty of Ireland through the coming ages." Your Lordship said—

"What has that to do with a concrete question like this, whether this money was paid to people whom you knew or suspected to be dealing with crime?—
 "(A.) I am dealing with crime only. We cannot accept we are criminal when we are sympathising with our wounded countrymen, even when they have gone beyond what is called law."

My Lord, this a terrible doctrine to read by one who bore the responsibility affecting him. "We cannot accept we are criminal when we are sympathising with our wounded countrymen, even when they have gone beyond what is called law."

"(Q.) And even when they have committed crime?—(A.) It is argued Mitchelstown was crime. I deny it. (Q.) I am asking you in relation to this letter. I call your attention again to the words, 'No one knows the patients, but the doctor, and myself, and the members of that society.' With that in your knowledge, did you think the patients had committed crime or not?—
 "(A.) I did not think they had committed crime. (Q.) In your view, what did you think they had done?—(A.) That they had been carrying out some of the purposes which the League would require them to carry out, that is to say, some of those purposes that came within our rules, but which the police would bâton them for. (Q.) One moment. They had been carrying out some of the purposes of the League; what purposes?—(A.) Gathering at a public meeting to be dispersed by violence. (Q.) Then why should it be that the matter must be kept secret, and that 'no one knows the patients, but the doctor, and myself, and the members of that society?'—(A.) Because if any others had known they would have been arrested by the police. (Q.) The term is, 'if it were a public affair.' Was not Mitchelstown a public affair?—(A.) There were many other things of the same kind as Mitchelstown that were not public meetings. (Q.) That is the example you gave me, sir?—(A.) Yes, I give you another. (Q.) But 'if it were a public affair,' did that convey to you it was a bâtoning at a public meeting?—(A.) No persons but the society might know who was wounded. (Q.) What society?—(A.) I do not know. (Q.) Never inquired?—(No answer.) (Q.) And never cared?—(No answer.) (Q.) One other man escaped a shot, but got his jaws grazed. Now, Mr. Ferguson, I ask you is this all the explanation you have got to give of this letter and the transaction?—(A.) Yes. I do not remember a single thing about the letter. I never knew Mr. Horan and never heard of him. (Q.) Are the views you have just expressed, as far as you know, the views entertained by your colleagues, the executive of the Land League?—(A.) I should think many of my colleagues would agree with me; some might not. (Q.) As far as you know, did your colleagues acting on the 12th October agree with you?—(A.) I cannot say. One or two who were present would probably recommend that, and I initialled it as chairman. (Q.) Have you any idea that anyone ever did object to such a vote as this on such an application?—(A.) I have known many votes rejected. I have known many letters refused. (Q.) Have you had many similar applications?—(A.) We have had applications which we considered wrong. (Q.) Similar?—(A.) Yes, similar if you like. (Q.) Many?—
 "(A.) Well, several in my knowledge; several that came while I was there. I know we refused applications. (Q.) Of a similar character?—(A.) Yes. (Q.) Can you assist the Commission by telling them where the similar applications could be found?—(A.) No, I cannot. (Q.) I may take it that you say there were many similar applications. Some, I understand you, were granted and some refused?—(A.) Some were granted and some refused. (Q.) Were those that were granted equally pointing to what I have called crime, or less so than this?—(A.) If it had been for medical assistance—if that had been a request not for medical assistance, but to do something

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“ in the nature of crime, even in your sense we would refuse it.
 “ (Q.) This does not say to do something were the similar applications, applica-
 “ tions for assistance to persons injured whilst committing crime?—(A.) Oh, no.
 “ (Q.) Then what were they if they were similar?—(A.) They might be appli-
 “ cations for something outside our rules. (Q.) Of what character?—(A.) That
 “ we might object to as being contrary. (Q.) Of what character?—(A.) A
 “ character which we would think would be violent. (Q.) Acts of violence?—
 “ (A.) Yes, that we would think would be of the nature of violence. (Q.) Then
 “ what assistance would the applicants want?—(A.) Money, for example. They
 “ might want money. I can imagine they might want money to hold a meeting
 “ in a place we would consider dangerous and wrong to hold a meeting.”

Then only one other matter do I read. At page 4844 he is asked at question 73,698:—

“ After what you have said in justification of this being done, do you now
 “ represent to the Commission that if you had read this letter carefully you
 “ would not have made the grant?—(A.) If we had had a lawyer at our side to
 “ protect us, we probably might have considered it would implicate the League
 “ in some way; but personally I would have granted it for wounded men under
 “ any circumstances.”

Then at question 73,704:—

“ Do you or not see anything morally wrong in granting that assistance?—
 “ (A.) I see nothing morally wrong in granting assistance to wounded men as
 “ stated there. (Q.) In making this grant?—I see nothing morally wrong in
 “ making that grant under the conditions of Ireland as it is.”

Now with that statement again I must call very critical attention, if you please, to the terms of this letter. We have it now that there had been many similar applications. What did this letter mean? If, as Mr. Davitt, I think, must have suggested it meant, “Oh, save a wounded man from suffering, save him from death.” I say the man would be, it seems to me, of a hard and cruel disposition who would say, even that to a sinner, however greatly he may have sinned, such relief ought to be withheld. It would be in accordance with no doctrine to say that human beings should add to the sufferings of a man or should not relieve him from suffering, whoever he should be. That is not what is suggested was the act done in this letter. What has been done in this letter is carrying into effect the arrangement of a past time. I ask critical attention to it. It is a letter of the 20th September. No relief granted until the 12th October. The letter written on the 20th September speaks of things which have occurred in the past.

“ I beg to direct your attention to a matter of private character which I
 “ attempted to explain to you when I was in Dublin at the Convention. The fact
 “ is that one of the men, from a shot, lost the use of his eye. It cost him 4l. to
 “ go to Cork.”

So the money has been paid.

“ It cost him 4l. to go to Cork for medical attendance.”

That must mean, I suppose, travelling and so forth. That money must have been expended. This is repaid. It does not say “to recoup.”

“ Another man received a wound in the thigh, and was laid up for a month
 “ No one knows the patients, but the doctor, and myself, and the members of the
 “ society. I may inform you that the said parties cannot afford to suffer.”

So they have been suffering, I presume, by the money payment.

“ If it were a public affair a subscription list would be opened at once for
 “ them, as they proved to be heroes. One other man escaped a shot, but got his
 “ jaw grazed. Hoping you will, at your discretion, see your way to making a
 “ grant, which you can send through me or the Rev. John O’Callaghan, C.C.

“ Yours truly,

“ TIMOTHY HORAN.”

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Now, my Lords, I have two questions to submit in relation to the persons mentioned in this letter; the nature of this crime that probably, I say, has been committed by these men, the inference drawn, only leading to crime, was known certainly to one man besides the writer of this letter, who is dead. It is known to Mr. Quinn, the secretary of the Land League, certainly. It probably is known, almost certainly, to the Rev. Father O'Callaghan. I need not point out to you who Mr. Quinn is. His name has been mentioned over and over again. He holds a responsible office in the League. I ask you where is he to tell you what Timothy Horan had told you, and to whom in private, confidentially, he writes as to the nature of this offence. I have no right to say one word of what has occurred, save what has been placed before you in evidence. But I think it is matter that was known to everyone here, that Mr. Quinn has been over and over again in this Court. I think Mr. Davitt mentioned the fact himself in his evidence. I am so reminded. He has been here in this Court, and been here after this grave matter has been mentioned in public. I have heard it said that when men of high character have aspersions cast upon them, it is sometimes said, when informers have given evidence against them, that it is not worth their while to reply, and that you may treat certain statements with contempt. My Lords, this is not the evidence of any informer that we are now dealing with. It is an actual letter written by a secretary of the Land League—written to Mr. Quinn, admittedly a genuine letter, acted upon by the Land League as a body. For that action the Land League are liable; Mr. Ferguson is liable as representing the Executive; Mr. Quinn has not only an individual character at stake, but has the character of the Land League to a certain extent in his charge. After this letter has been read, Mr. Quinn's occupations allowed him to come to this Court, as Mr. Davitt has told you. And as my learned friend, Sir Charles Russell, had to give importance to this letter and had to say, too, it did to what he termed a slight extent—I think he used the word "shadowy"—it did support the suggestion that crime had been not only committed but compensated for, as it was their duty to consider it, so it must have been the careful consideration of counsel, should Mr. Quinn be placed in that witness-box to give you any information or not. And the determination that was come to was that he should not go into that witness-box. How can that theory of Mr. Ferguson that this letter referred to a bâtoning by the police at Mitchelstown have any effect upon you, when in the first place the words do not bear such an unnatural interpretation, and when the person who knew what that letter meant, who knew the incidents of the wounding of this man, who knew the society that was designated in the letter—when Horan, writing a letter to Quinn, has said, "I have told you this personally; I have seen you, I have told you of it"—I do not enter into details of the effect of that letter? How can it be said that Mr. Ferguson's theory can be correct? If it were, why should not Mr. Quinn tell you in the witness-box "these men were afraid because they feared the bâtoning of the police; that society was a charitable or patriotic body, and had nothing to do with the crime." Although this was brought to Mr. Quinn's attention, and although this was known to Sir Charles Russell and his most able coadjutors, they did nothing except to bid Mr. Quinn leave this Court without telling you what he knew. And all those interested in the Land League must have known, according to the views of those I refer, how disastrous it would be to the character of individuals alike, and to the Land League, if the truth had been known. The truth is known if that letter be read by men of common sense. If there be doubt in the minds of men of ingenious faculty, in order to endeavour to explain away those words by hypothetical considerations, when practical information can be given you by a man affected by it, I ask what reason is there why Mr. Quinn should not tell you what is the explanation of the matter, if explanation there were. There is every reason to believe that he had listened to that statement of guilt—of the guilt of Horan. If he had listened to the recital of circumstances of guilt such as that testified to by O'Connor, and the dates and particulars shown in this letter, there is every reason that he should remain absent from the witness-box; but there is none that he should remain absent, if there be an innocent construction to be given of it.

One other witness still I should have thought, my Lord, from the facts of the case was called upon to be present. We have heard much of the conduct of the Catholic clergy in relation to the Land League. We have heard much from my learned friend Sir Charles Russell of their sympathy with the popular cause, and with

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the effects that must result from that sympathy. My learned friend Mr. Reid had, in fact, a very formula of questions, which he repeated over and over again to his witnesses. Was not the Land League composed of all the respectable people in the district, with a Catholic priest for the president, and a Catholic curate for the vice-president? That form of question, I say, proceeded until one or two priests had been cross-examined; and then there was a desistence of such suggestions, and the examination of the priests was discontinued. I pass that by until I shall have a few words to say in respect to the genuine position of the priests. But we must deal with the Reverend Father O'Callaghan. Informer or not, O'Connor had said that he had been present when the committee retired to consider Callotly's position, and two very ugly words were used to the Reverend Father O'Callaghan. After the Committee had retired this man Breslin, who was complaining of Callotly was told, "You need not fear; Callotly is an ugly man; but he will look uglier"; and probably there were some in that district who could well translate those words. I should have thought that even if O'Connor be an informer, even if it be said that his evidence has been attacked, and he has been contradicted in material matter, that anybody to whom such words were attributed, would have claimed the right to appear and say, "I have been slandered, and those words are not true. I have never taken any part in the organisation of outrage; my action in that district was of a different kind and character. I will come here and denounce the man who has so foully attacked me." But, my Lords, if Father O'Callaghan's view is that O'Connor does not need contradiction, he cannot say that the written letter of Horan does not need explanation. He is willing to receive this subscription. He says:—

" Hoping that you will at your discretion see your way to making a grant which you can send through me, or the Rev. John O'Callaghan, Catholic curate.
 " —Yours truly."

As it stands, Horan, the secretary of the League which Father O'Callaghan, as committeeman, was attending, would know whether that statement of his was true or not, when he wrote it—and as money was to be sent, and the letter was intended to be acted upon, it probably and almost certainly would be true. If these people, acting under the Rev. Father O'Callaghan, was willing to receive money, I think it right to say at once it may have been an innocent receipt, but it may have been a very guilty one. Which it was the Rev. Father O'Callaghan can tell you; and the Rev. Father O'Callaghan is now in the western part of the diocese. And after knowing the gravity of this letter and after hearing the importance attached to it when Mr. Ferguson was cross-examined, he remains in the western part of the diocese, and does not think it necessary to give you any information about it. I only say that now knowing several—many applications have been made, some granted, and some refused, the Land League mode of transacting their business now stands before you. Documents have come to hand and there is among them—I use the term—a very sample of the transactions of the League, admitted not to be an isolated transaction, admitted to represent a class of transaction. And, my Lord, now upon this statement made by Mr. Ferguson in relation to this letter, it is with no idle words I seek to impress upon you, that to the Council of the Land League, to the executive body of the Land League, is brought home, and brought home conclusively, the fact that persons connected with them were committing crime, crime which overspread Ireland like a dark cloud in the daytime. And that these people, knowing that that crime was committed, that it was carrying out the purposes of the Land League, that the men who committed such crime were regarded as heroes. The executive of the Land League, intentionally and after consideration, and basing every action upon moral grounds, were willing to compensate these men, and to give them money in return for what they had done. My Lords, I say those words ought not to be idly spoken, if they were spoken as words of surmise. If even they were founded upon evidence that might be doubtful in its character, and from which different inferences might be drawn, I hope, my Lords, they would not have been spoken by anyone. They are not spoken on evidence except in a slight degree called on behalf of those I represent; but upon the testimony of those who were called up on the part of the respondents. These facts upon which I base that charge now stand disclosed, and judgment must be given upon them. And if difficulties have been thrown in the way of placing the

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whole truth in connexion with the actions of the Land League before you, difficulties to which I shall have to refer, sufficient now has been shown that the charges made in "Parnellism and Crime," and persisted in in the trial that occurred of O'Donnell v. Walter are not without foundation. When crime is attributed as part of the machinery of the Land League for the purpose of carrying out certain decrees of the Land League. I submit to you that, coupled with the admissions that the representative of the League has made, that charge has been brought home, and has been brought home in a form in respect to which no doubt can exist now or hereafter.

I take this opportunity as I have concluded what I have to say in respect to this Horan letter of referring to an incident that occurred in this case which I wish to apply to the absence of many other witnesses. I have spoken sufficiently, I think, of the absence—the intentional absence—of Mr. Quinn and the Rev. Father O'Callaghan. It occurs to me there may be a loophole suggested by the minds of some people for the absence of those witnesses, namely, that the case for the respondents was brought to an abrupt termination, and that these witnesses would have been called if the case had run its due length, and the proceedings had terminated as we expected they would. I wish to make it very clear that such is not the case. Probably all I am saying will be in your Lordship's mind; but I ask permission to allow reference to be made on the note to the true state of things in respect to the calling of witnesses. We had from two of my learned friends—Mr. Reid and Mr. Lockwood—who represented, I think, substantially all the respondents who did not appear in person except Mr. Parnell who appeared by Sir Charles Russell and Mr. Asquith, we had a statement made by them on two occasions. First we had on the 11th July, at page 5990, a statement made by my learned friend Mr. Reid as to the witnesses that were to be called, and that statement is to this effect, that two witnesses only were about to be called by the respondents. Mr. Reid said to you—

"My friends have put us in somewhat of a difficulty, because we had expected this witness to conclude the day, and we are very near the end of our case. To-morrow morning my friend Sir Charles Russell will probably have to call evidence upon a certain matter, and then there are two other witnesses whom we propose to call, and I think that is practically all we intend to do. Under these circumstances I had hoped my friend would be able to cross-examine this witness."

Then my learned friend Mr. Reid points out who those witnesses were. He said, "One of them, I hope, will be here to-morrow; I am not sure about the other; but it is quite clear at page 6017, in answer to a question of Mr. Justice Smith as to who the persons were. My learned friend Mr. Reid told you one was Mr. Matthew Harris, whom Mr. Lockwood intended to call; and the other was Mr. O'Kelly. You will find that clearly understood. Says—

"(The President.) Do I understand that you have no other witness, either of you? (Mr. Reid.) As I told your Lordship, we only had two. (Mr. Justice A. L. Smith.) Who is the gentleman?"—

Mr. Matthew Harris had been previously mentioned.

"Do you mind mentioning him? (Mr. Reid.) Mr. O'Kelly. (Mr. Justice A. L. Smith.) I know J. J. O'Kelly. (Mr. Reid.) We have called some of the members, and I really think that we have called all against whom anything important has been stated with the exception of those two. I think that that is the case. (The President.) Very well, then; if so, we must adjourn. (Mr. Reid.) I am sorry for the loss of any time, but I think that will be the best way. We have every reason to know that Mr. Harris is coming."

So do not let it be said that any course taken by counsel prevented witnesses being called. The case had concluded, and entirely concluded, with the exception of Mr. Matthew Harris and Mr. O'Kelly, before the withdrawal of counsel took place.

Now, my Lords, as I am upon this point, only so as not to go back to the subject, I would say one word upon that which I have termed the regrettable absence of counsel. I am not about for one moment to say to you that counsel withdrew without

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cause for this reason, your Lordships' ruling; and it would be gross presumption—and I think I might better use the word impertinence—if I were for any purpose to say that your Lordships' ruling was a correct ruling, I would only commend your Lordships' judgment to the attention of every one. But what I do wish to call your attention to is this, that that action of Sir Charles Russell upon the 12th July is best described, I think, by saying that it was a morning devoted to political research, and I would establish it in this way. As early as the 1st March the inquiry had been raised as to certain evidence that could be given. And at page 3270 there is a discussion upon the very point which your Lordships after dealt with, took place. And the question then was whether Mr. Houston may give an explanation of how he obtained the money, or had the letters—the very subject my learned friend wished to inquire into on the 12th July. Now on that occasion your Lordship, the President, said this:—

“ I may point out what the Attorney-General has said with reference to Sir Charles Russell's charge of a foul conspiracy has no bearing upon this point which we are now asked to consider. We have a limited duty and jurisdiction, and it is only to report upon the ‘ charges and allegations ’ made against the several persons, and it would not be any part of our duty to make any report on a suggestion of a foul conspiracy on the part of anybody behind Mr. Houston.”

Those were your Lordship's words, and then Sir Charles Russell says: “ I quite agree with that proposition.” That was the proposition of your Lordship, accepted by Sir Charles Russell, for he says, “ I quite agree.” That is the very proposition that your Lordship has laid down on the 12th July, and then because your Lordships agree if I might say so respectfully, my learned friend Sir Charles Russell at the bidding of some one retires from this Court. My Lords, so it stands. I could give you, though I cannot at this moment, the concurrence of Mr. Reid, but I will give you the reference afterwards. It suffices now. I say you can now understand the lukewarm language in which my friend accepted the position of being directed to withdraw from this case. Sir Charles Russell accepted the view your Lordship presented; and then when this case had come to an end almost, when fact after fact—some of which I have to refer to—had been disclosed, then comes dissent from the proposition to which Sir Charles Russell had agreed. And then comes this action of leaving this Court, and saying that the respondents had been unrepresented towards the end of this inquiry.

My Lords, I now return to current events, and to some other matters connected with events in Ireland still in the year 1881. I am endeavouring before I bring the events of that year to a close to add one or two matters to show you how crime had been dealt with by those who were responsible for the real government of Ireland. My Lord, with regard to one of those few matters I have to refer to, I would call your attention to a speech that is made by Mr. Thomas Power O'Connor, either the last day of November or the first day of December 1881, when attending the Chicago Convention. At page 5252 Mr. Thomas Power O'Connor made a speech, at the evening meeting I presume it would be, of that Convention, and he there says:—

“ The landlord has not got any rent from the 10,000 who are ejected from the farms, and he is not going to get any rent. What become of the 10,000 farmers mean time? We will put the tenants as near these farmers as we possibly can. They like to have a glimpse of their old homes, and if I were agent of an insurance society I would not like to have my whole organisation and corporation dependent upon the 10,000 farmers who will go into the farms that the other 10,000 have been evicted from.”

Then, my Lords, Mr. O'Connor having that view in his mind repeats the statement on the 11th, it must be of February 1882, while still in America. It is the next page:—

“ The Land League binds members not to enter land from which another has been boycotted, and I am proud to say out of 600,000 not 12 traitors have been found. I declare I should like ”—

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[Continued.]

(It must be should not like)

“ to represent an insurance company and have a policy on the life of the man
 “ who would take possession of an evicted farm.”

I am aware Mr. O'Connor gave an explanation of that speech. He said in his explanation that he attributed that state of things to the “horrible savage and “uncivilised state of feeling and of things which English mismanagement and English “tyranny had brought about.” The first observation I make is that I understood that explanation appeared in a local newspaper—the observation to be made upon that explanation is that the explanation never appeared in Mr. O'Brien's paper, in “United Ireland.” And this speech is sent forth to the Irish peasantry to be read without any explanation at all to be attached to it. But all I say is, anxious as I am if I can to accept the evidence whatever it may be of every witness that is called, I cannot accept that explanation with reference to these words. It is said this state of things, namely, of tenants watching and defrauding the insurance offices of their lives, results from the action of the Government. My Lords, what is meant by these words: “We will put tenants as near those farms as we possibly can?” We—that is, the Land League—we will put those tenants; and then, when the tenants are put as near as we possibly can, then, if I were an agent of an insurance company, I would not like to have my whole organisation dependent on the 10,000 farmers who will go into the farms that the other 10,000 have been evicted from. It has nothing to do with the government of Ireland. That is remote and far off from the mind of the man who is boasting that he and his confederates were putting the tenants in a position where those who were holding the land against them, would have their lives in danger. My Lords, one other speech of 1881, I believe I have not yet referred to. It is a speech you will find reported, if my note be right, at page 2813. It is a speech made by this person, Mr. James Redpath, who had been very active in the Land League affairs, on the 16th of July, and made in the important presence of Mr. Sexton, who was the chairman, and names are given, the Rev. Harold Rylett, Mr. Loudon, Mr. P. J. Quinn, Mr. Moloney, Dr. Kenny, Mr. Webb, and others; and then, my Lord, this terrible language is used by this man Redpath:—

“ He regretted that in the case of Mr. Boyton there was a legal doubt ”——
 that is, whether he was an American or not.

“ He knew, however, of his personal knowledge that if the American Govern-
 “ ment failed to do its duty in protecting its citizens in Ireland, and if he were
 “ run into gaol without having violated any treaty of peace between the United
 “ States and England, no English nobleman should ever cross the Mississippi
 “ to hunt deer or buffalo on the American plains, which was now the fashion,
 “ without risk of being shot by Irish bullets or of being run down into a mine
 “ and held there as a hostage till he (Mr. Redpath) should be released.”

My Lords, when we go on to see, as we shall see, the state of America in 1881 and the following year, how outrage was being preached there as part of the policy, this language must have fallen upon ears that would be prone to hear and quick to act, and here without apparent reproof is a statement made at this banquet with a gentleman like Mr. Sexton presiding, that if some difficulty arises about the Americans' right to protect themselves against arrest under Mr. Forster's Act, that should our English Government take a view hostile to the American Government then no Englishman should be in safety from Irish bullets or from destruction of his life by other means mentioned there. And all this passes unnoticed, and is part, I presume, of the incidents of campaign.

I have already referred to the fact, and I can refer to it again if necessary, that out of the funds of the Land League Mr. Redpath received 100l., it appears at page 5348, out of the small account that we have had of expenses.

(*The President.*) We have had it before.

(*Sir H. James.*) We have; it is only for reference. This speech being made on the 12th of July, this payment of 100l. to Mr. Redpath was made on the 14th of August 1881. If your Lordship will forgive me, I think it must be 1880.

(*Mr. Justice Smith.*) You think that is 1880, do you?

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[Continued.]

(*Sir H. James.*) It must be so; it is in the expenses account, which we do not get extending to 1881.

(*The President.*) I am not able, from anything I see on this page, to discover whether it is 1880 or 1881.

(*Sir H. James.*) I think it is more probably 1880, because we get it in the expenses account, and the expenses account does not extend to 1881; it does not extend beyond 1880. I have referred you to two speeches showing the state of things in Ireland in 1881. Will you allow me to recall to your memory that in December 1880 Mr. Parnell had been warned of the outrages that were being committed, of the necessity of stopping them by interference, and that he said he would have done so if his engagements had allowed him, if he had had other opportunities. Now, my Lord, crime as you know went on increasing, reaching the maximum record that we have brought to your attention in this inquiry. I ask now what was done while these men were effectively raising the crime, what was done by these whose words could have stayed it? What did they do to stop it? My Lords, I can find no speech of Mr. Parnell during the year 1881 at all until the 5th of October. There was one very short extract from a very short statement, it is scarcely a speech, made at the National Convention on September 24th, 1881. That is proved at page 2201, but there is nothing there bearing upon the condition of crime, and it was a very short business statement. My Lord, he had been silent during that year. Will you note that when Mr. Parnell is asked for an example of denunciations of crime he gives this during the year 1881, and in that little record of what is termed denunciations to which I shall have to call attention, Mr. Sullivan's little pamphlet, there is no speech of Mr. Parnell's at all during 1881, and in that little work, with the exception of one speech by Mr. John Redmond, which upon its face appears to me to represent denunciations of crime and three or four speeches of clergymen, there is no speech by anyone or any act done during 1881 to stay this crime. On the 5th of October Mr. Parnell makes a speech, the first speech I find, certainly the first speech we have put in evidence in this case and I cannot find in the whole of that speech, which is reported at page 595 of the book of speeches, any reference to either the existence of crime or the necessity of putting an end to it. The only reference to crime I can find is contained in these words:—

“But it is idle to suppose that this Land Act can reduce or will reduce the rents as they ought to be reduced. We, however, propose to test it, to give it a fair trial, a very much fairer trial than they are giving your 200 friends—gallant and noble men who are in the common gaols of this country.”

I treat these words as referring to the suspects. I do not suppose Mr. Parnell was referring to the ordinary criminal there, he was referring to the suspects, but apart from that reference, which is very remote, the whole of the speech is silent. Now, we have the history of the year 1881 and what does it result in? If your Lordship will not regard it as waste of time let me describe the position that was occupied by the Land League, in the words of my learned friend Sir Charles Russell, in his quotation from Lord Hartington. Now Lord Hartington was dealing with a term of extreme violence and of great crime in Ireland. Your Lordship will recollect the application of Lord Hartington's words were to the Ribbonmen who had existed especially in West Meath in the year 1870 and up to the year 1871 certainly, and Sir Charles Russell quotes this to you as describing what a society or organisation can do, and I am asking to quote these words for the same purpose of describing the condition of Ireland in 1871. At page 3651:—

“All these acts of violence”——

said Lord Hartington—

“are, we have reason to believe, the work of the Ribbon Society. The reports which we receive show that such a state of terrorism prevails that the society has only to issue an edict to secure obedience, nor has it even to issue its edict, its laws are so well known, and infringement of them is followed so regularly by murder and outrage that few indeed can treat them with defiance. Ribbon law and not the law of the land appears to be that which is obeyed. It exercises such power that no landlord dares to exercise the commonest rights of

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“ property. No farmer or other occupier dare exercise his own judgment or
 “ discretion as to whom he shall employ. In fact, so far does the influence of the
 “ society extend, that a man scarcely dares to enter into open competition
 “ in fairs and markets with anyone known to belong to the society.”

My Lord, transpose one word, translate Ribbonism into Land League or Land Leagueism, and every word that my friend Sir Charles Russell quoted to you as applying to the condition of Ireland in 1870 and 1871 now applies to the condition of Ireland in 1881. But my learned friend's argument was that what a secret society did then a secret society was not doing in 1881.

My Lord, we have now given evidence to show the Land League's sympathy with crime. In 1871 Ribbonism was a criminal conspiracy, and as a criminal conspiracy, acted as my friend Sir Charles Russell has by the words quoted shown to you, how could a constitutional body act in that way. All the argument here on behalf of the respondents is that Mr. Parnell has rendered the action of Irishmen constitutional. What can constitutional action have to do with crime? Admittedly this action, the action of 1870 and 1871, was by force of criminal power, and no power save a criminal power could have defied the law, the real law that governed Ireland, and no power save criminal power could have enforced these decrees as the Ribbonmen did, and yet Sir Charles Russell tells you that what was done in 1870 was so done in 1881. All that is true as so described. The power of conspiracy, a term applicable to the Land League and to the Ribbonmen, would be a power that would cause reducing into subjection by terror and intimidation all men who did not agree with them, and as we trace in 1870 to the action of Ribbonmen, the commission of crime, so perhaps with greater secrecy, because the acts of the Land League were scarcely so hidden as the acts of the Ribbonmen, we can trace in the years 1880 and 1881 to the commission of crime, the acts of the Land League.

I shall make no apology to your Lordships if you will allow me to occupy your time for a very few minutes, call it summary, call it retrospect if you will, to draw a comparison between two important periods in this case. One the period when Mr. Parnell yielded to the solicitations of Mr. Davitt and accepted the responsibility of becoming the head of the Land League, the other is that period on Wednesday the 13th of October when Mr. Parnell was consigned to the gaol of Kilmainham.

I ask my Lords two questions, and I ask your respectful consideration to the answers that ought to be given to those questions. What was the Ireland Mr. Parnell found in October 1879? What was the Ireland he left to its fate in October 1881? Just two years had elapsed between those two periods—two years as full of importance to Ireland as any years she has ever passed through. Mr. Parnell found Ireland in one condition. He left it in another. He found Ireland, no doubt, with the prospect, the imminent prospect, of great distress affecting its poorer population. He found that population having, it may be, two causes of complaint, that population being the peasant population of Ireland who were complaining that they had no security for the holding of their land, or else that they were bearing unjust burthens in regard to payment for the land they occupied. And so there were two motives that could urge men to action, two causes of action that could be appealed to by agitators; and for two years the Land League, as my friend Sir Charles Russell, who so often referred to it that I may quote it, now admits the Land League being paramount (Mr. Parnell being the head of the Land League) had control of Ireland, and had to deal with it for good or for evil as they thought right.

And my Lords, what occurred during those years? As the years rolled by the cause of complaint, the cause that would move the peasantry to action, passed away. Nature did much to remove the burthens which tell upon these Irishmen. Two years had given beneficent harvests, and as we came to the conclusion of those years, distress had passed away, and comparative plenty was in that land. And as nature had done much, so human action had added something to the removal of Irish complaints. Legislation had shown that men were willing and were anxious to remove the grievances that the peasantry had complained of—fixity of tenure to a great degree had been secured; just rents were to be ascertained, so that the burthen that fell upon the tenant should not be a grievous one—at least one that could be borne, and at the end of these two years the complaint that had been made at the commencement of them had passed away,

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Then there was a great opportunity for those men who had succeeded in affording relief to those whom they had taken under their care of doing something to add to the prosperity and to the happiness of that land.

My Lords, our tale now has been told. It is said that this case was a case of shreds and patches. Well, the patches have been put together, and the patchwork does not now become entirely a useless article. We know what it represents. Two years have been told to your Lordships when nothing had been done to remove the causes of the real suffering of the people of Ireland. Speech after speech, inducement after inducement, appeals by writing, and by eloquent language were made to cause crime, and not to stay it. So, as these years of plenty and redress passed on, crime kept steadily increasing comparatively month by month, there has ever been an increase of crime under this system; and when Mr. Parnell left Ireland, which he had controlled for two years, he left it in a state of degradation, and in a state of crime that Ireland had never reached before. My Lords, I say it is indeed a sad tale that we have had to tell you. We have had to point out to you what the crime was that had been spreading, and spreading, as we endeavoured to show you for the first time by methods, brought to bear upon the men, who would have been, it may be, generous, in their conduct and brave in their acts, if they had been left alone and had not been intimidated. And, my Lords, where is the great triumph of this constitutional action, when men have been boasting of bringing those who had been Fenians, those who had been extreme Nationalists, as it is termed, into line—when it is said we brought them under the constitutional flag the great success of Mr. Parnell has been, and his colleagues have been, that they have converted the Fenian into a Moonlighter, that they have converted that man, who would be brave enough to stand in the field and bear the consequences of his treason, into the assassin who would have lurked behind a stone wall, and endeavoured to hide himself from the result which must have followed. These are the results, the patriotic results, and I have exaggerated nothing which have been established, and which marked the period when Mr. Parnell went away from the active portion of public life. What an Ireland he left behind him! What classes of crime there were! What classes of crime still existed, still showed themselves, with not one word to stay or to stop them, and so these people in every hamlet of this country were left to their fate by the leader who had brought them to this condition. And we have for a time now, at least, to deal with the Ireland that Mr. Parnell left behind him. Of this portion of 1881 and the commencement of 1882 I have comparatively very little indeed to say. It is a period which is covered by the action of the Ladies' Land League, a body that, as I pointed out to your Lordship, received its inception, as all these representatives of policy did receive their inception, from the thought of Mr. Davitt. This Ladies' Land League took its part then in the Government of Ireland to the extent of replacing the Land League, which, deprived of its leaders, had been suppressed by the Government, and had, of course, ceased to be efficacious for active service. The ladies with whom we have to deal spent 72,000*l.* more or less in a manner which has not been accounted for; but, my Lords, they spent it according to the views they entertained of benefits that could be conferred upon those who needed as they, I presume, thought protection. They spent it as we know in the defence of the ordinary prisoners whom I have endeavoured to show to you were persons who could not be defended *en masse* at least without defeating or interfering with the administration of justice. That money was expended according to the views entertained especially by the lady to whom I have already referred, and whom in the absence of my learned friend the Attorney-General I do not mean to refer to again at great length—I mean Miss Reynolds—it was expended, as that lady has described it, with “warnings to the waverer,” I think it is, and “appeals to the cowardly.” It was spent under the terms of those notices to which I have referred. Perhaps your Lordship will not wish me to refer to them again, where the evicted tenants were not to receive compensation unless they held out as a body, and where unless the tenants on an estate refused to pay as a body, those who could not pay and were evicted were to be compensated; so that persons not being compensated pressure may be brought to bear upon those who held out. That was the system upon which the Ladies' Land League acted. You have the knowledge of the events that occurred affecting the statement of Miss Reynolds. You have the knowledge that Miss Stritch and Mrs. Malony were spending these large sums of money as far as I know without cheque, or without audit. You also, my Lord, know from the documents found in Miss O'Connor's possession, that the defence

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of prisoners which I have mentioned to your Lordship was carried on. We know, too, that there was a record kept of these acts, in this book which was named somewhat poetically the "Book of Kells"—what has become of that book no one will tell you. There is no book whatever of this Ladies' Land League which virtually represented the Land League from a period from October 1881 until I think the end of August or the beginning of September 1882, no books whatever have been forthcoming. I have not myself a wish to enter into detail after what I have already said in respect of the Ladies' Land League, except to suggest to your Lordships that what was done under the Land League was carried on by the Ladies' Land League enthusiastically and earnestly; that the expenditure of money was of the same class and of the same nature, still hidden, still unknown to you; we are dealing with a period of action which I do not dwell upon in respect of the Ladies' Land League, for this reason because, of course, the individual members who are the respondents were not acting with the Ladies' Land League in the same way as they had acted with the Land League before, and with your Lordship's permission I would pass from the Ladies' Land League saying no more upon the subject than I have already said.

It is rather, I am afraid, an abrupt change of subject, but I have intentionally endeavoured to maintain as far as I can the sequence of time, and having now dealt with the year 1881 in Ireland, and concluded what I have to say in respect to this more important period of time, probably than any other, I desire before continuing the Ireland of 1882 with its Phoenix Park murders and Kilmainham treaty incidents, to deal with the time which is running, with respect to America, if you will allow me so to do. And in order that I may make my propositions clear in respect to American, and to throw some light upon the statements I am about to make to you, will you now allow me to place before you the exact propositions which I have to submit to you in respect to American action, without entering into detail, but simply giving you the general nature of them.

I have dealt with the action of the Irish Americans in the early days of the skirmishing fund, and in the early days of Patrick Ford; and you will recollect that I dealt with the American action when I dealt with the action of the Clan-na-Gael in August 1881. Without repeating what I have said in respect of the action of the Clan-na-Gael from August 1881, I now have to establish to you that from that date the Clan-na-Gael became in intention a dynamite body expressly for the purpose of committing outrage.

Then, my Lords, having proved, if I can establish it, as I submit to you with great confidence I shall, that the Clan-na-Gael was a dynamite body, I then have to deal with the action of the Clan-na-Gael on the American Land League.

My learned friend Sir Charles Russell says that there was an attempt of the Clan-na-Gael, or by a portion of it, to capture the American Land League, and he says it failed. My Lords, my proposition is, and you will see whether I or my learned friend be correct, that the whole of the Clan-na-Gael did attempt to capture the Land League of America and succeeded. I shall call attention to the fact, as part of the proposition, that there were two branches of the American Land League—one conservative, the other sympathising with the Clan-na-Gael. And now, my Lords, in acknowledging the courtesy of Mr. Davitt, as shown to my learned friends and myself, in placing the book from which he quoted, in our possession, I shall endeavour, step by step, to prove conclusively to you from two sources the joint action of the Clan-na-Gael and the Land League of America.

We obtained the information as to the Clan-na-Gael from Le Caron, and from his reports, and, with singular identity of form, we obtained a complete fitting of Le Caron's statement with all that is to be found in Mr. Davitt's book. The record of Mr. Davitt in his book, of course, is a record of the Land League, or what becomes the National body of America. The statement of Le Caron applies to the action of the Clan-na-Gael, and of that body.

Now I proceed, beginning with the action of the more legitimate body, the Irish Land League. I shall have to show to you that that body in the same way as the Land League proper of Ireland had come to an end in October 1881—I mean to an end nominally, though not in ideas. There was an alteration of the Land League as such in America into the more general body, and speaking now simply in very broad terms, not entering into detail, as the years passed by preceding 1881 until we come to the alteration of the declared policy in consequence of political events in Great Britain

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in 1886, I undertake to show to your Lordships that the Clan-na-Gael, by means of its great activity, the prominence of its leaders, so acted that they took possession of the governing body of the National League, or the National body of America, and all that has now been done in America from a Nationalist point of view, by any organisation is by that organisation controlled by the Clan-na-Gael men and the dynamite body, who have been acting in support of Mr. Parnell in accordance with their own views.

And, as end and climax of all this, I shall show to you that when the policy of English politics demanded that there should be a cessation of dynamite, the act of the Clan-na-Gael Society, then this body, controlled by Clan-na-Gael men and imbued by Clan-na-Gael doctrines, thought it right for a time to suspend any operations in accordance with Clan-na-Gael views and devoted themselves to the collection of enormous sums of money which they placed in the hands of Mr. Parnell and his colleagues for the purpose of supporting them, and being spent by them in parliamentary action.

Now, my Lord, such are the propositions that I am aiming to support, and whilst I will, I promise you, condense all I can say upon the subject within narrow limits of time, and whilst I will refer you to my authority without reading in detail matters wherever I can avoid doing so, I will now proceed to establish, from time to time as the events have occurred, these propositions I have ventured to submit to you. May I remind you that having finished with American events, with the Clan-na-Gael Conference of August 1881, I now have to deal with the more open movement, namely, the Conventions that occurred under the auspices of a general body. I am now coming to what has been termed the Chicago Convention of 1881. We have left the Clan-na-Gael Convention, I submit to you, in this condition, namely, that the Clan-na-Gael had determined, as shown by the circulars I have read to you, that they would from that time carry on an active warfare. It had been accepted by the Clan-na-Gael as a body, and their secret executive had been reduced for the purpose of securing safety from common discussion, to a limited number, so that their dynamite policy might be more safely carried on. Now, under those circumstances, it was in the autumn of 1881 determined to hold a general Convention [of American-Irish. I am not going to discuss at any length terms. You may call it "Land League Convention," if you like, as some have sought to do, but I do not. It is an admitted fact that that was not a meeting of Land Leaguers only. It was a meeting of all bodies of Irish people, and the attendance was of a general character. That was sought for by the call to the meeting, so that all Nationalists might be represented at that meeting. Amongst others, Mr. Parnell determined to be represented, and you will find that on the 1st of October 1881 Mr. Parnell announces, and he announces it to Patrick Ford (I am referring to page 3381), that Mr. Thomas Power O'Connor will represent him at that meeting. I said the 1st of October. It is in the "Irish World" of the 1st of October 1881. It is a letter from Mr. Parnell to Patrick Ford, and is that document that I read to your Lordship where Mr. Parnell said that they were about in Ireland to select test cases in order that tenants in the surrounding districts may understand the worthlessness of the Land Bill. Then at the conclusion of the letter Mr. Parnell says:—

"Mr. T. P. O'Connor will start for America early in October, and will represent my views and those of the Irish organisation."

I have, of course, dealt already with two of Mr. O'Connor's speeches, namely, the insurance speeches, and I have also referred to the explanation he has given of them, but as I have to deal with Mr. O'Connor, now representative of Mr. Parnell, I do desire to point out to your Lordships that Mr. Parnell, in sending forth that representative, ought to have been upon the alert. He cannot say with things going on in America, as he has said of crime existing in Ireland, that he was ignorant. He had had warning, and solemn warning, of what was occurring in America in consequence of the connexion with the Land League and the dynamite or extreme party. On the 24th February 1881 we had a discussion in Parliament, taking place in Mr. Parnell's presence. Of course it is only that no one should misunderstand for what it is referred to in this Court, that I repeat that this is only put in by way of notice. This is useful as notice. In that discussion the Secretary of State, a Minister possessed of course of authentic knowledge, or knowledge believed to be authentic, made a statement. I am quoting from page 4005. There, from the Secretary of

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State Mr. Parnell must have learnt that John Devoy, who was in America, was a very dangerous person. This is in reference to the state of things in America. What was said by Sir William Harcourt was this:—

“ I quoted some observations from a paper which I had not with me then,
“ but which I have with me now, by a person of the name of Devoy, and the
“ hon. member for Longford says——

Then there was an interruption.

“ Now, I will tell then hon. member for Longford, who has informed us that
“ he is himself only a recent member of the Land League. But, perhaps, I know
“ a little more of the history of the Land League than the hon. member for
“ Longford, and I would like to explain to him who and what Mr. Devoy is, and
“ why I referred to his sentiments as having a very material bearing on that
“ question.

“ Now I find that in May last year, not 12 months ago, a Land League was
“ established in America, very much on the principle of what in our military
“ system we call ‘linked battalions.’ And who founded that Land League in
“ America? It was founded by the hon. member for Cork city (Mr. Parnell).
“ I have in my hand a newspaper of the 7th of May, containing a report of a
“ meeting for the foundation of the American Irish Land League, and upon that
“ occasion there was present, amongst other people, Mr. John Devoy. After a
“ thorough discussion it was decided that an Irish Land League should be formed
“ in the United States for the purpose of rendering moral and financial aid to the
“ Irish National Land League in Ireland.

“ Yes, and now I am going to explain to the House what is the moral aid
“ which they offered to the Irish National Land League. What the financial
“ aid is, we know. I saw in the papers this morning that the Irish Land League
“ had at its last meeting announced, I think, 1,300*l.* odd of subscriptions, of
“ which 300*l.* was gathered in Ireland and 1,000*l.* by this organisation in America.
“ Now it is very material to show the House that this is very pertinent to the
“ point I alluded to, and to which I am going to allude again. Now this com-
“ mittee held several meetings, and at the final meeting the names of the
“ gentlemen suggested by Mr. Parnell were unanimously selected as a Provisional
“ Central Council of the Irish Land League of the United States, and one of the
“ principal members was Mr. Devoy.”

Then there was an interruption—

“ Well, I think I will show you presently, if you will allow me to go on.
“ The Provisional Council having been so established, they proceeded to assemble
“ in convention, and then there are mentioned many of the leading members who
“ took part in the proceedings, one of those leading members being Mr. John
“ Dillon, member for Tipperary.”

Then this was pointed out in the course of this speech:—

“ I said something the other day about the skirmishing fund. I know a
“ great deal about that fund, a good deal more than probably the hon. member
“ for Longford does. The other night when I mentioned it the hon. member
“ for Wexford (Mr. Healy) showed that he knew something of it, because he
“ said that the skirmishing fund had ceased to exist, or had at least become
“ respectable in its character. In the first place, it has not ceased to exist. It
“ is this fund that is here referred to, the fund for carrying out the objects
“ which Mr. Devoy has sketched. That is the fund that is being subscribed
“ for by those people in America. In another part of this same paper a reference
“ is made to the skirmishing fund. The hon. member for Cork city calls the affair
“ at Salford a practical joke.”

And so throughout the whole of that speech attention is called to what is material, namely, the difficulty of dealing with the Irish in America. You had the skirmishing fund. You had persons like Devoy, and you had, of course, if you brought them into one line, the responsibility of seeing how they would act. There is one other reference.

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This is a speech also made by the Secretary of State on the 3rd of March at page 3346, which is probably more important. The Secretary of State said:—

“To-morrow it will be in the hearing of the civilised world, which will pronounce its judgment on this—I will use the word—this vile conspiracy. Sir, I knew that these were the objects of the Land League. I knew it as one responsible for the public peace of the dominions of the Queen, and as one whose duty it was to denounce it, as I have denounced the language of John Devoy, as I denounced the language of Redpath, and as I denounce the language of the member for Tipperary. I call them confederates.”

And then he proceeds:—

“He said I was cowardly in my attack on John Devoy in the absence of the man. Did Devoy think of the absence of 4,000,000 of people when he said he meant to set London on fire? Was not that a cowardly action on the part of a man who was, in a manner, one of the officers of the Land League in America? I felt it my duty, and I hope the House still think that I did my duty in telling them what I knew, that the Land League is an association which depends upon the support of the Fenian conspiracy. The hon. member has avowed it to-day. Who are the men they know? Who support the Land League in Dublin? Is it supported by Irish subscriptions? Why, the Irish subscriptions are coppers; but the gold and silver come from Fenianism in America. That is where it comes from and the hon. member knows it as well as I do. Who are the men they take for their agents to send this money to Paris, and thence to Dublin? Men like Devoy, a convicted Fenian. When they set to work to organise this Land League, who were the chief agents by whom it was started and conducted? Why, they were notorious Fenians, many of whom had been convicted, while others were perfectly well known to be connected with the Fenian conspiracy.”

(*The President.*) I do not think that can be taken as evidence of notice of any facts, only evidence of notice of the Secretary of State's opinions.

(*Sir H. James.*) If your Lordship pleases. That is what I am endeavouring to convey. I have not for one moment said that statements made by any one, however eminent, and however great were the means of information at his disposal, however great the sense of responsibility, ought to be regarded as evidence of facts. This brought circumstances to his knowledge which ought to have created caution. I think I can put it no higher, and I think I am entitled to place the statement I am making to you on that level. It is a matter where a responsible person says certain things, but which I quite agree do not establish what may be there said. At the same time, when under such conditions a statement is made, it ought to put those who hear it on the alert so that they must say, “I have not been taken unawares; I have not been acting in ignorance to this extent, that I have been using caution in the steps I have taken.” There was this knowledge, at any rate, that a responsible minister was saying: “If you go to America for Land League support you are dealing with Fenians; they are the active people. As you yourself, Mr. Parnell, have said, the revolutionary body were the more active.” Mr. Parnell sends his representative, Mr. O'Connor, to act at this Convention. There were two other gentlemen also who represented the Land League very directly, although they may not have been the direct representatives of Mr. Parnell personally. Whilst the announcement as to Mr. O'Connor had appeared as early as the 1st October in the “Irish World,” on November the 12th, there is a cablegram published from Egan in Paris, stating that Mr. Timothy Healey and Father Sheehy were about also to visit America to take part in this gathering of Irish-Americans, and inasmuch as these gentlemen, Mr. Healey and Father Sheehy are sent forth apparently with Mr. Patrick Egan's cognisance, he standing to some extent at least sponsor for them, it is not immaterial to notice what were Mr. Egan's views at this time. I am quoting matter I have already referred to. This is part of the narrative and therefore I will refer to it again. On the 26th of October 1881 we have a report of a conversation with Mr. Egan (at page 5245) in which Mr. Egan expresses his views.

(*The President.*) In whose evidence?

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[Continued.]

(*Sir H. James.*) It was put to Mr. Thomas Power O'Connor. It is a conversation with Mr. Egan:—

“You recently hinted to me that ere long an important Irish movement would be heard of in America. What is the exact nature of the movement?”

I am going to put to your Lordship that the movement was now commencing:—

“(Mr. Egan.) I cannot tell you exactly, but there will be such a movement.”

“(Correspondent.) Do the American Leaguers contemplate union with the Irish Nationalist party?”

“(Mr. Egan, hesitating.) All Irish parties will be united now.”

“(Correspondent.) By your going over to other parties, or their going over to you?”

“Mr. Egan had no opinion ready on this point. After a pause, however, he continued: ‘By declaring the League illegal the English Government has cut the constitutional ground for agitation from under our feet.’”

“(Correspondent.) What can you do but appeal to arms, and how can that help you, as you have no arms?”

“(Mr. Egan.) No appeal to arms is intended.”

Now Mr. Egan, seemingly, as I have said, answerable for Mr. Healy's and Mr. Sheehy's visit to America, has, at least, at this time, according to the statement which is published, made a statement that all parties are going to be united, and a movement, which is not the old Land League movement, and which is not, on the other hand, an appeal to arms, will be inaugurated from that time, and within that movement all Irish parties will be united. That is in America. Now, as I have said (this is one of my propositions) I am going to trace how all the Irish parties in America became united, and to show that the movement was a movement of dynamite, and a movement with the policy of the Clan-na-Gael, obtaining power over all men who were probably of a more peaceful disposition than they. My friend, who is good enough to secure perfect accuracy upon my part, points out to me that this has been put in twice. It was put in at page 3043 as an extract from the “Irish World,” and also in cross-examination.

(*The President.*) It is given somewhere from “United Ireland.”

(*Sir H. James.*) It is at page 3383. It may be copied into “United Ireland.” It is, I am told, in “United Ireland” of 21st December 1881.

My Lord, we next have a telegram from Egan, a copy of which appears at page 3383. This is in immediate anticipation of the sitting of the convention which occurred on November 30th, and December 1st, 2nd, and 3rd, Egan cablegraphs in these words:—

“However Dr. Croke may attempt to explain, his action is looked upon by all the best men in Ireland, lay and clerical, as simple treachery to the cause. Neither he nor any other man can stop a nation's onward march. I am glad to see a combined call for a Convention at Chicago. All Irish Nationalists must now stand together. Let there be no half-way measures! No compromise! No flinching! We must win Irish freedom now or never! Received per cable from the “Irish World” 35,000 francs. Accept warmest thanks.—Patrick Egan.”

Now, my Lord, before we come to what is done for the Convention and by the persons at the Convention, we have to move on a parallel line with the Clan-na-Gael (see what they were doing. I am now about to show the captive of the Land League not at this meeting I admit but as I proceed. This is the first step. If you refer to page 2559 you will see the Clan-na-Gael action. May I remind you that it is about to be not a Land League meeting in Chicago, but an open meeting, a general meeting of all associations. This is what the Clan-na-Gael did. A circular is issued on November 21st.

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SIR HENRY JAMES.

[Continued.]

Head-quarters, K.,
November 21st, 1881.

S. G. of D. 463.

“ DEAR SIR AND BROTHERS,

“ It is the desire of the F.C. (executive body) that as many members of the V.C. as can possibly attend the Irish National Convention at Chicago, November 30th, 1881, will do so without entailing any expense on the organisation.

“ You will, therefore, make every effort to get the members of the V.C. elected as delegates from any Irish society that may have an existence in your neighbourhood, whether it be as representatives of the Land League Club, the A.O.H., or any other organisation. The F.C. particularly desire your presence as a delegate, if it is possible for you to attend as such.”

Then signed in the ordinary way—

“ Fraternally yours,
“ K.E.N. of the V.C.”

Your Lordship will again permit me, as I am very desirous to make good my way as regards this American matter, to point out to you how the parallel line is to be moved upon. There is a meeting on the 30th, and on November 21st a circular issued that they are to obtain representation, not only by virtue of the Clan-na-Gael with its 11,000 or 14,000 men sending its representatives, but that the members of the Clan-na-Gael are to go to other societies wherever they may find them, and obtain election of their representatives, be it of their own body on the one hand, or those other bodies on the other. Then you would, of course, have a large number of delegates who were so numerous, as I am about to show to you that they were able to carry things their own way, so as to obtain the objects they had in view.

The next thing is to see what was done to secure the meeting of November 30th. We find traces of what was done at two portions of the evidence. On page 3383 we find a statement of the fact in the “Irish World.” It is the 12th November. It first recites the cablegram from Patrick Egan as to the arrival of the Rev. Father Sheehy and Mr. Healy, and then proceeds—

“ Shortly after the receipt of the news, a meeting of the representative Land Leaguers of New York was held at the residence of Dr. William B. Wallace, President of the Irish National Land and Industrial League of New York, East 48th Street, and preparations for one of the heartiest welcomes ever given under Irish-American auspices were at once gone into. Cooper Institute was immediately hired for Thursday evening, November 10th, and committees were appointed to get the co-operation of all the Irish societies, and have succeeded—the Irish Nationalist, who have not hitherto participated as a body in any public demonstration of the sort since the commencement of the Land League agitation, the Ancient Order of Hibernians, the Longshoremen, St. Patrick’s Mutual Alliance, the temperance, and various other organizations all joining in most enthusiastically.”

So your Lordship sees now this is to be a meeting of all bodies; not Land Leaguers, but all bodies; and to the like result is the evidence at page 5245. I think that is only reiteration of the same statement in another form, and comes from the same source. Therefore, my Lord, I need not, I think, repeat that evidence.

[Adjourned for a short time.]

(Mr. Davitt.) Your Lordships were kind enough to ask me a question this morning with reference to the rescinding of a resolution of the Land League about the expenditure of money for parliamentary contests. I find in a document put in during my evidence, when in charge of the Land League in America in 1880, that there is some reference to the expenditure of money received from America in Ireland. I will thank your Lordships to look at that, I have marked it. (*The document was handed to the President.*)

(The President.) Do you say you referred to this in your speech?

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[Continued.]

(*Mr. Davitt.*) It was put in during my examination, my Lord, and I referred to it again, I think, in my speech. It is one of the documents put in evidence.

(*The President.*) It had better be handed to Sir Henry James or the Attorney-General, and it can be looked at between this and to-morrow morning.

(*Sir H. James.*) My Lords, dealing still with the Chicago Convention, I have it that Mr. O'Connor, representing Mr. Parnell, either arrived in America or sailed for America, on the 5th of October. The visit Mr. O'Connor paid, as he tells us at page 5244, was to Mr. Patrick Ford. He says he never was with Patrick Ford at the "Irish World" office. But I think he saw Mr. Patrick Ford. I take it, therefore, he means he saw him at his private house. Then his attention is called to the fact that the "Irish World" says :—

"Mr. O'Connor sat in the office of the 'Irish World,' Brooklyn, on the night before he sailed for Ireland, and informed us that Mr. Parnell told him that the first subscription that was ever paid into the organisation came from "Trans-atlantic."

He is asked, "Is that true?" and he says, "Entirely true." Well, I do not wish to put it higher—if I am right in my reading—than that, that Mr. O'Connor probably had some slight confusion of memory. Because he is asked by Mr. Ronan, at page 5250 :—

"Was there a preliminary meeting for this convention?—(A.) Yes, there was. (Q.) That was held, I think, in the "Irish World" office?—(A.) Yes. (Q.) You were there?—(A.) Yes. (Q.) Who else?—(A.) My only recollection of any persons at the present moment was Mr. Finerty, Mr. Patrick Ford, and his brother, whose name I think is Augustine. (Q.) Austin Ford?—(A.) No, it is Augustine. Austin Ford is Mr. Ford's nephew. Augustine Ford is Mr. Ford's brother."

Therefore, while I say I cannot conceive that Mr. O'Connor was influenced more than by forgetfulness, it is important to notice, while he says in the first instance he did not see Mr. Ford at the "Irish World" office, yet the night before the convention the persons who met at the "Irish World" office are this man Finerty—whose position I have already to some extent dealt with, but with whom I shall have again to deal—Patrick Ford, and his brother Augustine, who had been the secretary of the Skirmishing Fund. Then, my Lords, I gather from further evidence which is found at page 2202 that at some date shortly before the 26th of November 1881 Mr. Timothy Healy and Father Sheehy arrived; and that they both of them drove to the residence of Mr. Patrick Ford. That is page 2202, and so we have the actors upon the scene.

The next event is the call that was issued of this Convention. The call is signed by Mr. Healy, Father Sheehy, and Mr. Thomas Power O'Connor as the delegates from Ireland. Patrick Ford, John Boyle O'Reilly, and Patrick Collins sign it, I think, on behalf of the Irish in America. We may take it that Mr. Patrick Collins—we may treat him certainly, I think, as representative of the Conservative or clerical part of the Irish-Americans, and Mr. John Boyle O'Reilly he occupies a middle position, an anomalous position, and his position I shall have to refer to. On this point I wish to confirm what I said to you on Thursday, that there were two branches of the Land League—the Conservative and the Extreme. That view is confirmed by Mr. Davitt's statement in his speech. It says at page 6401 :—

"The two branches of the League, the legitimate one represented by P. A. Collins of Boston, and the 'Irish World' branch represented by Patrick Ford, agreed upon a convention of all societies favourable to the policy of the Land League of Ireland, and the following call for the same was issued, which I think has already been read,"

Will your Lordship forgive me if I do not read it again, for I think I should be reading it the third time. But these words are the important words :—

"In view of the present crisis in Ireland and to the consequent necessity for the Irish in America to make full demonstration of all force favourable to the Irish cause, the undersigned hereby unite in an invitation to all branches of the

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“ Land League and all societies favourable to the Land League policy to send
 “ delegates to an Irish National Convention to be held in the city of Chicago, in
 “ McCormick Hall, on the 30th of November, and the 1st and 2nd of December
 “ 1881.”

So you have a perfectly harmless call, Patrick Ford signing it, no doubt; but you have Collins and Boyle O'Reilly signing it also.

Now, my Lords, at page 5246 Mr. O'Connor is asked—the statement is not unimportant—

“ (Q.) You knew there was this advanced section in America, did not you?—
 “ (A.) By impression and by report. Perhaps I should explain to their Lord-
 “ ships that revolutionaries are not in the habit of stating that they are revolu-
 “ tionaries.”

With that view I agree. Then the President asks:—

“ (Q.) Revolutionaries as distinguished from those who have recourse to
 “ outrages and such things?”

That is what your Lordship remarked—

“ (A.) I have said, I think in my direct examination, my Lord, that not a
 “ single person throughout my whole visit to America declared to me that he
 “ was a member of a secret organisation.”

That I presume was very likely that he did not declare it, because he said a revolutionary would not state that he was. But the question being put to him (on the same page)

“ Do you not think that was an invitation to Irishmen of every shade of
 “ opinion to come into your movement? He says: (A.) Certainly. (Q.) In-
 “ cluding the advanced Nationalists and the Clan-na-Gael?—(A.) Certainly
 “ (Q.) And you willingly took the assistance of the Clan-na-Gael?—(A.) Certainly
 “ was delighted. I regarded every Irishman that joined our movement as an
 “ addition to our strength as constitutionalists.”

Now, my Lord, we have the proof of what occurred at the meeting. We have the call —

(The President.) Will you give us the page where that call is.

(Sir H. James.) Page 2561 is the call set out in full, and page 6401 it is referred to in Mr. Davitt's speech. You have gathered that Mr. O'Connor has said that no one told him that he belonged to a secret society; but a communication was made to Mr. O'Connor by this man Finnerty at page 5223. He speaks of one occasion when dynamite was mentioned, and says: “It is the only one.” This is the question:—

“ What was that?—(A.) That was Mr. Finnerty. Mr. Finnerty had a conver-
 “ sation, there were three or four—five or six persons, in fact, practically—who said
 “ something to the effect that any means were justifiable to attain Irish rights;
 “ and I spoke very calmly then to him on the matter, but afterwards I lost my
 “ temper, and he said he was very glad, and he preferred me very much discussing
 “ a question when I lost my temper than when I kept it, and I found that
 “ nobody whatever gave him the least sympathy.”

Now, my Lord, I cannot, I am afraid, give you the exact date to that.

(The President.) Give me the question.

(Sir H. James.) Question 80,268. I gather from that, my Lord, that Finnerty had marked himself before Mr. John O'Connor as a dynamitard. I say, I cannot give you the date, therefore it is but justice to Mr. O'Connor that I should not, as the date is not proved, attempt to fix a date which may not be correct, and which will place a doubt upon the conversation. But certainly there is, to Mr. O'Connor's knowledge, from all which has been and will be proved by admission, and probably by indisputable evidence established, that Finnerty was a dynamitard. Now you will see what part this

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[Continued.]

declared dynamitard takes in this Convention. We have a statement as to Finnerty's activity at page 3384. It is from an account given in the "Irish World":—

"The understanding at the initial meeting held in the 'Irish World' office previous to the call for the Convention, at which Father Sheehy, Mr. O'Connor, Mr. Healy, and Mr. Finnerty were present, was that no treasurer should be appointed. 'If the question comes up,' said Mr. Finnerty, 'I shall move that Mr. Patrick Egan be declared treasurer, and let there be as many channels of transmission of money to him as the people will.' That agreed with our view of the matter. This money question is a very ticklish one. . . . The reasons why men transmit their moneys to the Land League through the 'Irish World' are these: A dollar sent through the 'Irish World' is a significant endorsement of the principles enunciated by the 'Irish World.'"

Now we have Mr. Finnerty nominating the central treasurer. Now we see what he does at the meeting. At page 2560, Le Caron's evidence, at the very head of the page, you will see it stated:—

"It was arranged John F. Finnerty, of Chicago, should make the opening speech. (Q.) Is that the same member who was a member of the United Brotherhood you have mentioned before?—(A.) The same gentleman as Camp 96 Chicago; Chicago citizen. (Q.) Who was appointed temporary chairman?—(A.) J. F. Finnerty nominated William Hynes as temporary presiding officer. (Q.) That is the same member of the United Brotherhood?—(A.) Yes, he presided at the Secret Convention."

Now let us go by steps if you will allow me, Finnerty, declaration, dynamite. Finnerty the night before with the gentleman whose name has been mentioned arranges about the treasurer. Finnerty making the opening speech at this general meeting. And Finnerty moved—you will see the importance of it—the temporary presiding officer should be Hynes. Finnerty, of course, Clan-na-Gael, dynamitard, Hynes, Clan-na-Gael, dynamitard. And so in the first step, even with respect to the nomination of temporary officers, you have Finnerty first addressing this gathering of all organisations. Then you have the next step. You have Hynes being nominated to the presiding officership.

My Lords, I have no right to say for one moment on that evidence how far Mr. O'Connor knew that Finnerty at that time was a dynamitard. But about this time he knew it, and there is no repudiation that I can find of any of Finnerty's acts, there is no repudiation, I hope I am not putting it too strong, at the same time there was a communication to him that this man Finnerty was a dynamitard. Now we have information of what took place at this meeting from the document that has been put in which we call an appendix. It was put in as a statement of all that occurred at that meeting. It seems these documents are published, so that we have an official statement of what occurred at the opening meeting. Therefore, when I mentioned just now that I should establish what I said from the record of Mr. Davitt, it should not be taken that Mr. Davitt has given us any information but what is open to the public; it might cause Mr. Davitt some annoyance if it was thought Mr. Davitt had given us information.

(The President.) What is this?

(Mr. Davitt.) It is taken from a paper put in by the Attorney General.

(Sir H. James.) It is a reference. It was put in by Le Caron as being a correct statement of what occurred. The other documents have been put in. It is an extract from a newspaper; this particular newspaper being published—

(The President.) Where is the reference to it in the evidence I want to know?

(Sir H. James.) It occurs on the 22nd February 1882. It is put in as one of the documents in an appendix of that day.

(The Secretary.) Printed some days after.

(The President.) I was asking what page of our proceedings.

(The Secretary.) It should be after page 3203.

(Sir H. James.) Will you allow me to explain that while that appendix discloses what occurred before the public openly, there is also some evidence of what occurred in the same Convention before the public were admitted. I am sorry if I have to

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interpose, but that is to be found at page 2559. You will see the evidence given by Le Caron at question 44,100. Perhaps I had better read the previous question :—

“ Did the question come up at any time, and if so, tell me when, about this Mr. Betts’ chairmanship?—(A.) Yes. (Q.) Was that on the first day or the second day?—(A.) The second day. (Q.) Then I will go to the first day, I think it is. When was the opening chairman who called the Convention to order, I believe that is the technical expression, appointed?—(A.) At the first preliminary caucus of the secret organisation preceding the first session held the night before the meeting of the open Convention of delegates as per instruction who had been elected by the members of the open Convention meeting in secret session at the hall of Camp 16, 22nd Street, Chicago. (Q.) Were you there?—(A.) I was present. (Q.) Delegates came in obedience to that circular?—(A.) That and other circulars. (Q.) That was the night before the first meeting, as I understand?—(A.) Yes. (Q.) Now I want you to answer my question simply, my friend can ask you anything further later on; in pursuance of whatever was done at that secret meeting, who was chosen as the person to make the opening speech and call the Convention to order?—(A.) It was arranged John F. Finnerty, of Chicago, should make the opening speech. (Q.) Is that the same member who was a member of the United Brotherhood you have mentioned before?—(A.) The same gentleman as Camp 96, Chicago; Chicago citizen. (Q.) Who was appointed temporary chairman?—(A.) J. F. Finnerty nominated William Hynes.”

So this had been arranged at the secret caucus which as we are told there is in all these Conventions—a secret meeting to arrange the proceedings. Now at page 4 of this appendix you will find :—

“ At 12.15 the stalwart form of John F. Finnerty appeared at the front of the platform, and as he rapped the desk with the gavel, the Convention settled down into an attentive silence. Mr. Finnerty then said, Gentlemen, Friends, the honour has been conferred upon me by the signers of the call for the Irish National Convention of calling this Convention to order, and he read the following call.”

You will see Patrick Ford is the first name, then Collins, and John Boyle O’Reilly. Then three gentlemen from Ireland: Thomas O’Connor, Mr. Healy, and Father Sheehy. Now my Lords, of course, I am not going to read that. Next the list of delegates follows. Then if you turn to page 25 there is a paragraph commencing—

“ Hynes *versus* Betts. Rev. O’Sullivan, of Albany, New York, moved the adoption of the report, with the exception that the name of Hon. William J. Hynes be placed at the head of the list, and itself be replaced by that of the Rev. Dr. Betts.”

(*The President.*) What is the meaning of it “and itself” be replaced. What is the antecedent of that?

(*Sir H. James.*) It must be a misprint. “Be placed at the head of the list,” and it must be “and it be replaced by that of the Rev. Dr. Betts.” Then a discussion seems to take place which I refer to only to show that the ruling spirit is the person that we have to deal with so very particularly in the future, namely, Alexander Sullivan. At page 26 we have—

“ Mr. Alexander Sullivan in the midst of a great deal of confusion was heard to say that no matter what any man thought outside of the Convention he had no right to introduce a subject of this kind into the Convention.”

That is the forcing of the question.

“ The enemies of Ireland were constantly making the assertion that Irish agitation was not a question of liberty and humanity, but a question of religion. If the report of the committee was not accepted by a Convention largely of one faith the enemies of Ireland would say it was because the nominee for president belonged to another faith.”

Mr. Betts has been put before you as an Episcopalian minister, but he is a Clan-na-Gael, you will understand.

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[Continued.]

“ We do not need, said Mr. Sullivan, to begin toleration, we simply need to continue it.”

So the speech proceeds. Then we come to the next page, 27 :—

“ Upon the close of Mr. Sullivan’s remarks at least two thirds of the Convention mounted their seats and howled for recognition by the chair.”

The result is you will find that Mr. Betts is elected. We have the later control if you will kindly turn to page 38, and you will see now the important proceedings. This you will find is the starting point of the controlling power of the American Organisation—the last line of page 38—

“ Judge Birdsall, of Connecticut, moved that the chairman of this Convention appoint an executive committee of seven members whose duty shall be to call any future Conventions, and also to confer and act with the leaders of the different organisations here represented, or any others that may be hereafter organised to further the interest of Irish rights in promoting the objects and redeeming the pledges contained in the address and resolutions adopted by this Convention.”

That is Judge Birdsall.

Then Devoy speaks at page 39, and makes a proposition as to fighting the matter out, and now you will see the end of this matter at page 40 :—

“ Alexander Sullivan appeared on the platform and said :—Thus far we have agreed on all essentials. The only question before us is, can we agree on some non-essentials? I have the honour to be chosen to announce to you that Mr. Patrick Ford (cheers), Mr. P. A. Collins (cheers), and one whose counsel I accept as a command, because his voice is sacrificed by martyrdom for the Irish cause—Father Sheehy (cheers). Those three gentlemen, representing the different elements in America and the organisation in Ireland, ask this Convention, with the same unanimity with which it declared Ireland was entitled to free government to show that the Irish in America can govern themselves—(cheers)—to accept the substitute ”—

that is, the substituted resolution—

“ offered by Judge Birdsall (cheers). That pleases alike moderate men and extreme men, if there are any distinctions between us; but I contend that any distinctions were wiped out this morning when we adopted our resolutions.”

That is what I presume we should call an amendment in opposition to Dr. Wallace. Then come the concluding words :—

“ The previous question was then ordered, and amid great excitement the motion of Judge Birdsall was carried on a division. Immediately the chairman announced the result, the members of the Convention sprang to their feet and burst into a tremendous cheer. The crowd of visitors in the gallery, including the ladies, sustained the applause; hats and handkerchiefs were frantically waved, and cheer after cheer drowned even the chairman’s voice.”

Now you see my Lord the result of the motion of Alexander Sullivan. This motion made by Judge Birdsall is carried, which results in seven persons forming the executive committee to act for the future as representing this National Gathering for all purposes in respect to Ireland.

Now we have seen who those seven people are. Will you turn back in that appendix to page 7 and see how this has been arranged. There you will see that it is determined after stating that—

“ Considerable time was wasted in deciding as to the manner in which the several committees should be appointed. Finally the chairman was authorised to appoint a committee of seven on rules; and another of seven on organisation; the committee on credentials to be made up of one from each state, territory, the district of Columbia and Canada.”

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[Continued.]

So that to Hynes, the temporary chairman, there was given the nomination of the seven. It is the starting point, my Lord, of all the government of the Land League.

My Lords, I will give you, if you will allow me for one moment, the appointment of Mr. Betts as chairman. Now there are two pieces of information that we received upon this matter as to what had really taken place. At page 2562 we have the account that is rendered to the Clan-na-Gael of the work that the Clan-na-Gael has effected. It is a circular.

(*The President.*) But have you got the names of those seven?

(*Sir H James.*) I am coming to it; it does not appear in these proceedings, but I get it from the "Nation" newspaper. I will give them to your Lordship; they are not recorded, you see it was a nomination by the chairman. At page 2562 you will find a circular which is issued to the Clan-na-Gael showing the success of their efforts, January 3rd is the date:—

"Since the F.C. last addressed you a public call was issued for a Convention
 "to be composed of delegates from all societies or organisations friendly to the
 "present struggle in Ireland. It seemed to many leading members of the V.C.
 "that we should seize the opportunity to make ourselves felt in this public gathering,
 "and the F.C. were urged to take action in that direction. The F.C. were a unit
 "in the belief that our brothers ought to take every opportunity to give public
 "thought a national direction, but they did not agree as to the advisability of issuing
 "an order officially giving any positive direction, and other members had no objection
 "to letters passing between members of the V.C. with a view to securing the election
 "of V.C. men from other organisations without expense to the V.C., but they
 "opposed the issuance of any official circular which could be construed into a
 "request to any D. to incur the expense of sending delegates to any public
 "Convention not called by the V.C., or which might be construed into an
 "identification of the V.C. with any public organisation, or even a quasi-
 "endorsement of any but the one method of securing what we are all labouring
 "for. When a circular was issued to the E. N.'s——"

Those are the district members, I believe—

"the two members of the F.C. referred to cheerfully yielded to the will of the
 "majority, and aided, so far as they could, in carrying out that will. Owing to
 "the failure of many delegates, who were V.C. men, to report and register at
 "the place designated, only 320 names were obtained. It is generally believed
 "that there were at least eighty more in attendance at that body. It will
 "thus be seen that the V.C. was able to send on very short notice a much
 "larger representation to the Convention than did any other organisation,
 "and it will also be seen that by the secret concerted action of its members
 "it was able to send this representation chiefly from the organisations. The
 "presence of a large body of men in accord and with unmistakable views
 "views was soon recognised by all the elements in the Convention. Fear,
 "curiosity, and in the end we believe admiration were elicited by this unknown
 "quantity. The impression seemed to gain ground in many quarters that the body
 "of delegates referred to meant to demand some terrible things, and to appease
 "them, although they had neither said nor done a thing indicating that they
 "held any unnatural or dangerous views; very Conservative men seemed willing
 "to go to the edge of Radicalism to find a safe half-way ground that could be
 "made common. These strange men obtained the temporary and permanent
 "chairs of the Convention."

Your Lordship will note this—

"The secretaries are both temporary and permanent, the control of the com-
 "mittee on rules, permanent organisations, and resolutions. The committee on
 "permanent organisation reported at the head of their list the name of a dis-
 "tinguished brother of the V.C., a clergyman of the Episcopal Church. The
 "selection aroused some thinly-disguised bigotry, and met with the immediate
 "opposition of three delegates of different faith. The Convention, however, arose
 "above bigotry and intolerance and put in practice the V.C. doctrines—that all

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“ men who favour liberty are brothers and equals, and that religious questions
 “ must be settled by each individual's conscience and have no place in the political
 “ war we are conducting.”

Then they enter into a question of political doctrines, and it proceeds about 10 lines lower down :—

“ If a people live under a Government which is an unnatural one, if they
 “ have a right to another form of Government, then they have a right to over-
 “ throw their unnatural and to establish their natural Government, and if they
 “ are not ready to do so immediately it is their duty to begin and to push
 “ vigorously the work of preparing for this change. The Convention, it is true,
 “ taught us nothing novel by this declaration. It but reiterated our position.
 “ But it did, through the representatives of strictly religious and other organisa-
 “ tions, agree upon this as the latest revised text of our national political scripture.
 “ Let us preach and teach from text. Let us remember that though this text
 “ was accepted by all, many only did so because they feared the demand for
 “ something, just what they could not divine, but surely some terrible thing.
 “ Therefore upon us, in the future, as at present and in the past, must the gospel
 “ of Nationalism rely for advocacy.”

On the next page we have some disjointed matter :

“ Through the Convention, however, we have secured a larger audience, and
 “ the means of reaching that audience without expense to the V.C. A larger
 “ number of the V.C. men favoured the formation of a new public organisation
 “ to supplant all the fractions now in existence.”

Then my learned friend asks for it all to be read. Then I say :—

“ These words now appear in parenthesis, and I will read them : ‘ (Just what
 “ ‘ is on the carpet now, the success attending Chicago makes the V.C. think they
 “ ‘ can indirectly control all the organisations of the U.S. note.)’ (Q.) What is
 “ the U.S. ?—(A.) The United States. That is a note of mine. It means all the
 “ organisations of the United States.”

Then it proceeds :—

“ It was hoped that the demand for the new organisation urged and dis-
 “ seminated among the delegates would create such a public opinion among the
 “ delegates in the Convention as would compel the leaders of rival factions to
 “ agree to surrender to the new body as they agreed in the selection of a tem-
 “ porary chairman of the Convention. In this, however, there was disappointment ;
 “ one gentleman at the head of 1,000 organisations gave notice that he would not
 “ yield to the proposed new one.”

Then there was a note written by the witness who was Collins. Then a little lower down :—

“ Another gentleman declared that though not the head of nominal organisa-
 “ tions he collected more money than the other. Ford would not recognise the
 “ new organisation, and would persist in having no intermediate correspondent
 “ between him and the foreign treasurer. Thus, had our men forced through the
 “ new organisation the result would have been but the formation of another body,
 “ not a union at all, and, in the eyes of the world, the result of the great gathering
 “ would have been but the addition of one more faction.”

Your Lordship sees the substitute in a public organisation.

“ The Convention finally decided to create a national committee of seven, to
 “ be appointed by the chair.”

That was in substitution for the open organisation, and this follows :

“ This Committee has power to call future Conventions, to address all
 “ societies now in existence, or hereafter to be created, whenever, in its judgment,

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“ the interests of the cause required such addresses, and to take steps to bring
 “ about the desired federation of all the organisations in this country upon a
 “ national basis. The Committee was appointed by a V.C. chairman.”

That is how, my Lord, you get all this power for the future, and as you see acted upon by the body of seven nominated by the chairman. Your Lordship is, of course, aware that Alexander Sullivan is the person who carried that motion. Your Lordship asked me for the names. I have found them at page 5688 at the head of the page. The seven names of the executive committee of seven—Boland, Ford, Collins, Wallace, Birdsall, Sullivan, and Brown. Your Lordship will please note that we have the directories of the Clan-na-Gael here; Roland, Clan-na-Gael; Ford, your Lordships know who he is; Patrick Ford; Collins, Conservative; Wallace, we have no information about him; Birdsall, seems to be an American; Alexander Sullivan, President of the Clan-na-Gael, and, as we shall show in a short time, Brown, Clan-na-Gael, and so, my Lords, Ford, extreme man, collector for dynamite, Boland, Ford, Sullivan, Brown, these were the seven executive, and, as I will show your Lordships, they pass away, their names are altered, as they act still more in future years in the Clan-na-Gael until you find a complete Clan-na-Gael, the inception of a new movement, with full power of action passing into the hands of this Clan-na-Gael power, and taking possession of all future action in America.

(*The President.*) I want to ask you a question. You have given me these names from their appearing as signatories of some document. What is the document they signed?

(*Sir H. James.*) This was an extract, if I recollect rightly, from the “Nation”—I see, my Lord—I think it does appear. It is from the “Nation,” as I said; it appears at page 5687. It is a conference at the Astor House, a call from the Astor House, I think, which is a subsequent Convention; but your Lordship sees the names appear as the executive committee of seven.

(*The President.*) Yes, still I have not got quite what I want; they appear as signing some document and state themselves to be the committee of seven. I want to know what the document is.

(*Sir H. James.*) A call to the Astor House Convention; it is one which I have not yet mentioned, it occurs between the Chicago and the Philadelphia Conventions. Of course, I have to prove Mr. Betts a Clan-na-Gael chairman; page 7 I have read to your Lordship:—

“ Finally, the chairman was authorised to appoint a committee of seven on
 “ rules, and another of seven on organisation—”

Then we have the committee on credentials and committee on organisation bring up their report at page 24 and 25:—

“ A motion to adjourn until the report spoken of above was in was lost, and
 “ finally the report of the committee on permanent organisation ”—

That, your Lordship will see, is named by Hynes Clan-na-Gael.

“ Mr. Richard Prendergast, chairman of the committee—presented the following
 “ report, which was received with cheers, ‘Permanent officers. President: Rev.
 “ George Betts, of Missouri.’ ”

(*The President.*) I cannot find that page 25 says so.

(*Sir H. James.*) At the head of page 25, “Motion to adjourn.” Your Lordship sees Mr. Betts was made President of the organisation.

(*The President.*) Yes.

(*Sir H. James.*) Now, my Lord, I am going to leave this. The thread is to be taken up in respect of future time. We have now got the organising committee of seven named as I have told you, and I shall show afterwards changing names, fully Clan-na-Gael in majority. I have got the President, a Clan-na-Gael man; you have also heard the views of the Clan-na-Gael executive body as to the effect of what they had done to obtain hold of the organisation.

(*The President.*) I have missed your proof that Mr. Betts is a Clan-na-Gael man?

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(*Sir H. James.*) I read to your Lordship the proof a moment ago, I will give it to you again. I have just this moment read in the report that the chairman was a Clan-na-Gael man. In the circular—it begins at page 2562—page 2563, is the statement:—

“The Committee on permanent organisation reported at the head of their
“list the name of a distinguished brother of the V.C., a clergyman of the
“Episcopal Church.”

(*The President.*) Yes.

(*Sir H. James.*) And it is also proved; I prefer taking it from the proof (page 2558):—

“Now the name is there referred to of the Rev. George C. Betts. Was the
“Rev. George C. Betts a member of the United Brotherhood?—(*A.*) Yes, one of
“the executive body.”

Then, leaving, as I shall with one exception, America here, I have now placed the power of the American movement in the hands of the Clan-na-Gael. Only one more reference to this meeting. I will point out this with regard to Mr. Healy on his return to England. At page 2204 we have the proof, and of course that is long after Finnerty's communication to Mr. Thomas O'Connor that he was a dynamite man. Says Mr. Finnerty:—

“Therefore it is that regret is inevitable at seeing Irish talent lavishly
“existent yet unavailable in America. Not to speak of men better known upon
“this side, it is doubtful whether any three members could be picked out of the
“Irish parliamentary representatives equal all round in oratory and tactique to
“three of the men sent as delegates to the Chicago Convention, Collins of Boston,
“and Hynes and Finnerty of Chicago.”

I think it was the tactique of Mr. Finnerty that caused the Clan-na-Gael to be so successful. Then we have to take Mr. Finnerty at a time which must have been, I think, subsequent to the communication of his dynamite policy to Mr. O'Connor, the representative of Mr. Parnell. We have Mr. Parnell writing on the 12th of December 1882, long afterwards, a letter of congratulation to Mr. Finnerty upon his appointment at page 2998. Of course, my Lord, I wish to couple the reading of that letter with the fact that Mr. Parnell says distinctly that he did not know that Finnerty was at that time a dynamite man, but here is the congratulation to Finnerty, and after all that has occurred the Irish representatives seem to have accepted now this alliance with the extreme Nationalists, because we have the concluding words, apparently at this Convention, by Father Sheehy at page 5260. Father Sheehy speaks there and says:—

“I recognize as one of Ireland's home representatives, her indebtedness to the
“extreme Nationalists for their attitude here in this Convention. (Cheers.)
“ Mr. Ford has my thanks from the fact that, for the last few
“days, prepared to forget himself in the interests of harmony, and because of
“what his paper has done in the past. Ireland at home thanks Patrick Ford.
“I say deliberately that the Land League owes much to Patrick Ford, and Ireland
“embodies his ideas in the Land League movement. It has an immense amount
“of gratitude to the ‘Irish World.’”

My Lord, that now concludes all I have to say in respect of the Chicago Convention, and although I am passing away from the year 1881—slightly passing away—I think I had better conclude the next Convention, and it is extremely short, I am glad to say. The subject-matter I have to deal with is extremely limited, and that is the Washington Convention. The Washington Convention is a small matter, and it is not a Convention of all parties, as I gather, like the Chicago Convention, but it is a Convention of the American Land League, and not even of the American Land League, but of one section of it. That Convention was held on April 12th, 1882, and the moderate or clerical section at this time was represented by Mr. Collins. Mr. Davitt in his speech mentioned to you, and I think repeated the fact, that Le Caron was so ignorant of events that he did not know anything of this Convention. That is not so, if I may correct Mr. Davitt. Le Caron did know of this Convention, or whatever it was,

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and he spoke of it; but what he says is, it is a meeting and not a convention, and your Lordship sees the annual Convention would, of course, be an annual meeting of particular bodies. This taking place on April 12th, 1882, you will find is limited to a particular section.

(*Mr. Davitt.*) It is set forth in the book I have given to Sir Henry James as a convention, and with a list of delegates and where they are located.

(*Sir H. James.*) That is so, but I am speaking of what it was in fact. At page 2358 the witness insists that it is a meeting and not the annual Convention. I really do not know that it matters which we call it; there appears to be a list of delegates, a very limited list, and the results are exceedingly limited. I will tell your Lordship what the results were. The first result is that a resolution is passed to confer with seven persons. Those are the Seven Executive Committee whom I have brought into existence when telling you of the Chicago Convention. I have got at page 22 of Mr. Davitt's book this:—

“Resolved that this Convention instruct its officers to confer at its earliest opportunity with the council of seven chosen at the Chicago Convention as to the feasibility of uniting under one head all the Land League branches now organised in the United States.”

That is the outcome, so far as action is concerned; and, again, may I point out to your Lordships that we are coming now to find that whatever is to be done is to be done in conjunction with the Seven Committee, as Mr. Ferguson says it was. Then there is a further resolution, and Mr. Collins, who represents the Conservative or clerical body, declines re-election, and then the president of this body becomes Mr. James Mooney, and then, my Lord, it is that this is a Clan-na-Gael president.

Then on July 15th, 1882, the meeting takes place, to which the President was good enough just now to direct my attention, and inquire what it represented. That was a preliminary meeting of the Seven Executive of the Chicago Convention. Three appointed under that resolution that I have read from Mr. Davitt's book at page 22, plus Mr. Davitt, making 11 in all.

My Lords, in reference to that meeting, Mr. Davitt made strong observations against the article in “Parnellism and Crime.” His observations are at page 6411. “Parnellism and Crime” had set out the seven names of the Executive Committee, and I think there was a little confusion of thought or language. Mr. Davitt thought the whole eleven that met at Astor House ought to be set out. The writer in the article in “Parnellism and Crime” was dealing with the Nationalist Executive of Seven, and gave their names, and the attack that is made upon the writer for suppressing the four, I think, was not well founded, because the writer was dealing with the National Seven, and not with the eleven that met in July.

(*Mr. Davitt.*) He referred to the “Irish World.” I also referred to the “Irish World” and found the names there.

(*Sir H. James.*) Yes; but the writer was dealing with a different subject. The writer was dealing with the Seven Executive, and gave their names, and not with the Astor House meetings so as to give the eleven.

I have so far brought the American years of 1881 and 1882 to this result: that when I take up the thread again your Lordships will find how by degrees the position we have arrived at now even is deviated from. But, even as it stands, all that represented moderation was passing away. At the head of this section we have many Clan-na-Gael men at the head of this body that was formed at the Chicago Convention; you have Clan-na-Gael men and you have the Executive Committee with a majority of Clan-na-Gael men in that Executive Committee. When we have to deal with any other body you will find out that no others take part in public affairs in America. I have gone only a portion of my way, I admit, but so far I have established that the American movement has become a Clan-na-Gael movement, that Clan-na-Gael men are dynamiters from beginning to end, and the whole power of the Land League, and of the National body in America will be found directly traceable to the action of the Clan-na-Gael or dynamite men.

My Lords, as I know this American portion of the subject is a matter of comparatively little interest, I am afraid, to your Lordships, as a matter of detail in this case, and I am glad to say that I turn away from American matters to deal with a subject of more general interest, almost of intense interest, in connexion with

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Ireland. I had closed all I had to say to you on the subject of Ireland in the year 1881, and I come, following the sequence of time to refer to events that were happening in Ireland in the year 1882. I need not remind your Lordships that at the commencement of that year Mr. Parnell and many of his immediate colleagues and lieutenants had been arrested previously by the action taken under Mr. Forster's Suspension Act, and they were still in Kilmainham. My Lords, the state of Ireland, speaking of it in its social condition, was satisfactory in this at least, that Ireland had had a prosperous year in 1881, and there was no distress to be found in 1882, no distress that for a moment as we suggest would produce crime. Still, my Lord, crime went on increasing, went on so that in the first six months of 1882 you will find no diminution in crime. I am sorry that the exact addition has passed away, as many other things have, from my note, but in the table that we have put in showing crime during the different months you will find that the very great mass of crime existed, certainly up to the end of June 1882, they amount to between 2,000 and 3,000, and then we have a very great falling off, 2,597 agrarian crimes in the first months of 1882 up to the end of June, the total being 3,433. We have 800 in the last six months as against 2,597 in the first six months.

Still, my Lord, I am not about to deal now with the detail of this crime, except to ask your reference to the reports to show you that the crime was of the same character as that crime. I have dealt with, perhaps, in too much detail, in the years 1881 and 1882.

My Lords, I have now to approach one particular crime, and to call your attention to it—the crime that everyone has agreed has brought disgrace upon a nation within whose rule it has been committed, and I believe brought sorrow and shame to men of all political feeling. I mean, my Lords, the murder which was called the Phoenix Park murder—the murder of Lord Frederick Cavendish and Mr. Burke. Before I draw a deduction from the evidence, I think it would be convenient for me to ask your attention to it, for I do not know that until the evidence from different aspects shall be put together, that anyone has quite realised the extent to which this evidence brings home crime, or knowledge of crime, to certain persons whose names have been conspicuously before you in this inquiry.

My Lord, I turn at once to the evidence of Delaney, that man, informer as he is who has given a detailed statement to you of his knowledge of the events connected with the murder of the 6th May 1882. As I say, he is an informer, and his evidence, therefore I would say, apart from any legal rule with which we have dealt, must be regarded, of course, with some care and some suspicion; and we must see how far it is corroborated. My Lord, will you note that Delaney has been shut out from the world for some time now. Since the month of October 1882, he had been under arrest. He was arrested previously to the disclosures by Farrell or by Carey. He was arrested on account of his supposed participation or his actual participation in the attempt to murder Mr. Justice Lawson. Therefore, having been shut out from communication with all that has been going on in the world, it cannot be said of his evidence that he has formed his statements in combination with any other persons so as to obtain support of them. I do not know that it has been suggested by any one, by those who have made many suggestions in this case, that Delaney has had conveyed to him from outside the prison in which he has been living, information so as to make him a witness in this Court.

(*Mr. Michael Davitt.*) I conveyed it.

(*Sir H. James.*) Mr. Davitt suggests that he conveyed it. If he did, he conveyed it without any foundation or evidence. I used the word—it was not an unhappy one in relation to Mr. Davitt's interruption—that it was a suggestion, but that it was no more. Mr. Davitt does not suggest that there has been communication by a particular individual in particular, facts which he could put to Delaney in the witness box so as to say the information that you are now giving to the Court has been conveyed to you by a stranger to the witness box, and you are thereby imposing upon the Court falsehood, at the instigation of some person behind it. My Lord, in the first place, I say there is no proof of that; and, in the next place, if you read this man's evidence, accepting his character as he himself has given it to you; there is a sequence about it, and a probability about it. Then I shall show to you a confirmation of it that can leave but little doubt that, so far as his knowledge goes, he stated to you what is

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absolutely correct. I take his evidence, and I read it word for word in detail. I will ask you to see what the tale he tells you is. His evidence commences at page 1848. I have made a summary of it so as not to trouble you with detail; but all I say I say subject to correction, and I am prepared at any moment to give the question to which I am referring if your Lordship will allow me to state it. The account he gives of himself (I wish to place everything before your Lordship at once) is that at the age of 17 he was charged with highway robbery and sentenced to five years' penal servitude in Dublin. He served that period within 9 or 10 months' allowance of time. In July 1875 he was released. The very night he came out of prison he was enrolled as a Fenian by James Elmore, who came to visit him in prison and whom he had never seen till that moment. He then says the Fenians were never an assassination society except of those who gave information against them—different altogether to the Invincibles. Of the Fenians, James Mullet, Daniel Delaney, James Carey, Elmore, Fitzpatrick, and a man named Towers were the Dublin centres. He says he was in his brother's circle, and when there was a meeting of several circles, each circle appointed people to keep watch. I took, he says, the Fenian oath to take up arms at a moment's notice to establish the independence of Ireland and to be obedient to my superior officers. I joined in Dublin. Patrick Egan, Thomas Brennan, Dr. McAlister, John Levy (the man who has been in the witness box), a man in the county of Cork of the name of Doran, formed the executive council. My Lord, if that is untrue of course it could be disproved. It might be about 1879, but he is not certain as to dates. Delegates came from America, John O'Connor from Cork. He was a commercial traveller who went under the name of Dr. Kenealy. Here, my Lord, is the statement of Le Caron as to meeting that man O'Connor under the name of Dr. Kenealy in Paris confirmed by this man who could have had no communication with him.

John Devoy came from America. So says Le Caron, and produces John Devoy's report. And General Millen; and at the same time Edward Hanlon. I saw John O'Connor several times, and he describes him—light hair, large moustache. Is that description correct, or is it not? He was known as Dr. Kenealy at the Foresters' Hall, in Bolton Street. I was present when they came from America, but not when O'Connor came. Devoy, Millen, and Hanlon met the centres in Dublin—the Fenian organisation. James Mullett, my brother, Daniel Delaney, James Carey, Joseph Mullett, James Elmore were there. They said they came to inquire into the working of the organisation and represented the Council in America. So far we have proved this by Le Caron and by the documents which were furnished by Le Caron not for the time of this inquiry, but years and years ago.

There were two organisations opposed to each other working in Dublin at that time. Then he mentions what nobody seems to doubt is correct. One was working under the Stephenite party and the other under the American Council. Then he speaks of Stephens being offered a seat on the Council, but he would not accept it because he would not be made supreme head of it. Neither Egan, Brennan, McAlister, Levy, or Doran were present at this meeting. I did not see Devoy at any other meeting. He describes Devoy. He was a stout man, and he gives his description. So that that could be tested if it were untrue. He then, at page 1851, proceeds: I was at several meetings in Bolton Street. I was a B. There were so many B.'s to each circle according to the size of the circle, and he gives a description of the organisation. Then he says, what I suppose I may take to be correct: I did not see Egan or Brennan present at any meetings at this time, except in the Mechanics' Institute. It might be about 1877—at the time of the Amnesty Association. Mr. Egan was chairman of the meeting. Secretary John Nolan and Thomas Brennan were present. The Association was worked by the Home Rule League. I think Mr. Butt was president. It appears so. He was not to my knowledge a Fenian, but the principal leaders in my time belonged to the Fenian organisation—what we call the principal leaders. The Amnesty Association worked by public meetings, but the public were not allowed into the meetings. And then comes a question as to whether Davitt did or did not attend one particular meeting. All the members were notified by their centres to attend. This, I think, again was the Amnesty meeting, which I do not care about. Orders were sent to all circles in Dublin, working under the American party. I remember Mr. Davitt, Mr. Parnell, Mr. Egan, Mr. Brennan, Hanlon, Dillon, and Harris. That is the Rotunda meeting. As to that meeting the only question is whether he was saying, Davitt supported Hanlon in his amendment on

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account of approving the amendment or only to obtain a hearing. That I have dealt with.

Now, I pass on to more important matter. I think I had better now refer to the evidence itself. I think the first trace we have in his evidence of the evidence in respect to the Invincibles occurs at page 1856. I was asking a record to be made of the names he mentioned as Invincibles.

“ When did you first hear of any Invincibles?—(A.) The latter end of 1881.
 “ (Q.) Were you an Invincible?—(A.) Yes. (Q.) Who else were Invincibles?—
 “ (A.) James Mullett, James Carey, Daniel Delaney, Joseph Mullett. (Q.) Any-
 “ body else?—(A.) Joseph Brady. (Q.) Anybody else?—(A.) Michael Fagan.
 “ (Q.) Anybody else?—(A.) Patrick Molloy. (Q.) I will come back to him
 “ directly; but anybody else?—(A.) Two Hanlons—Lawrence and Joseph
 “ Hanlon.”

I think they are spoken of as Larry and Joe Hanlon.

“ (Q.) Anybody else?—(A.) Mr. Egan and Mr. Brennan were the principal
 “ leaders of it. (Q.) You mean Patrick Egan, I suppose?—(A.) Yes. (Q.) And
 “ Thomas Brennan?—(A.) Yes. P. J. Sheridan, Francis Byrne. (Q.) Is that
 “ the same Sheridan?—(A.) Yes. (Q.) Do you give all those name as Invincibles
 “ or not?—(A.) Invincibles. (Q.) Was there anybody else, please; just think?
 “ —(A.) A person who was going by the name of No. 1. (Q.) Do you know what
 “ No. 1's name was?—(A.) I heard his name was Tynan. Whether it is or not,
 “ I am not sure. (Q.) Did you know him by sight?—(A.) Yes. (Q.) Well,
 “ describe what sort of man he was?—(A.) About 5 foot 6, dark complexion.—
 “ (Q.) I will come back to that. I had better get the names complete. Just go
 “ on, if you remember any other names of the Invincibles?—(A.) James Boland,
 “ John Walsh, from the north of England? (Q.) The same man you have men-
 “ tioned before?—(A.) The same person. (Q.) Anybody else?—(A.) Boyton
 “ was represented to be one. There were two Boytons. I remember the one
 “ that was the Land League organiser for the county Kildare. (*Sir C. Russell.*)
 “ Did you say he was represented to be one?—(A.) Yes. (*The Attorney-General.*)
 “ Represented by whom? You say Boland was represented to be an Invincible?
 “ —(A.) Yes, by Joseph Brady. He gave orders to Joseph Brady.

(*The President.*) I suppose that is a misprint. You say Boland, do you observe?

(*Sir H. James.*) Yes, that must be Boyton. I wished to read it as it was. It is repeated in the next question.

“ (Q.) Boyton gave orders to Brady as Invincible?—(A.) Yes. (Q.) Were
 “ there any other names?

Then he mentions again Patrick Molley. Now he comes to what occurred. He tells of the proceedings, the attempt to murder Justice Lawson. He says he saw Molley the day of that attempt.

“ The day I was arrested over Judge Lawson's business. (Q.) The day you
 “ were arrested over Judge Lawson's business?—(A.) Yes. (Q.) Did you see
 “ him to speak to?—(A.) I saw him to speak to, he was one of the party.
 “ (Q.) One of what party?—(A.) That was watching Judge Lawson; it was he
 “ pointed him out. (Q.) Molloy did?—(A.) Yes, coming out of the Four Courts
 “ on this Friday previous to my arrest. (Q.) What day were you arrested?—
 “ (A.) Saturday, I think, the 7th November 1882. (Q.) Boland you mentioned,
 “ what was his name?—(A.) James Boland. (Q.) What was he?—(A.) He was
 “ foreman, or something, for a contractor in Dublin of the name of Worth-
 “ ington. (Q.) Do you know whether James Boland knew Molley?—(A.)
 “ Perfectly well; he was watching Mr. Anderson, the Crown Solicitor, the
 “ two of them for weeks. (Q.) Who were watching Mr. Anderson the Crown
 “ Solicitor?—(A.) Boland and Molley at Bagot Street Bridge in Dublin.
 “ James Boland belonged to a circle of the Fenian organisation that
 “ Molley was sub-centre of. (Q.) What was Molloy a centre of or
 “ sub-centre of?—(A.) He was sub-centre to Michael Fagan. (Q.) Michael

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“ Fagan being the centre of the Fenian organisation?—(A.) Yes, he was sub-
 “ centre. (Q.) And James Boland was a member of the same circle?—(A.) Yes,
 “ he was sent from the north of England to that circle. (Q.) Is that Michael
 “ Fagan the man who was hanged for the Phoenix Park murders. (A.) Yes.
 “ (Q.) Now, Frank Byrne, how long had you known him?—(A.) Several years.
 “ (Q.) What was he?—(A.) I knew him as a member of the Fenian organisation.
 “ (Q.) How long have you known him as a member of the Fenian organisation?
 “ —(A.) From 1875.. (Q.) Do you remember what circle?—I do not remember
 “ the circle. I know his centre was a man of the name of Lucas, John Lucas.
 “ (Q.) John Lucas, where, Dublin?—(A.) Yes. (Q.) Had Frank Byrne anything
 “ to do with the Land League?—(A.) He was secretary of the Land League in
 “ London, I believe.”

That, of course, my Lord, we know to be the case.

“ Had he anything to do with the Land League in Dublin?—(A.) Not to my
 “ knowledge. (Q.) Tynan; you were just going to describe what sort of a man
 “ Tynan was, what height?—(A.) About 5 feet 6. (Q.) What aged man?
 “ —(A.) He deceived you in his age, he used to go in disguise; he used
 “ to wear very large specs. that covered the eyes double. (Q.) He wore large
 “ spectacles?—(A.) Yes, covered the eyes and the temple. (Q.) Did you
 “ ever see him without his spectacles?—(A.) I never saw him without his
 “ specs. (Q.) You say disguise; do you mean disguise in his clothes?—
 “ Every way. (Q.) Different disguises, or what?—(A.) Always different; I
 “ never saw him twice in one. (Q.) How many times have you seen Tynan?—
 “ (A.) Three times; it might be four, three or four times. (Q.) In what year?
 “ —(A.) 1882. (Q.) You said to me when the question was put to you about
 “ your knowing Boyton, that he was an Invincible; that Boyton had given Brady
 “ in your hearing orders as an Invincible?—(A.) Yes. (Q.) What were those
 “ orders?—(A.) He travelled in the same train with Mr. Burke, the Chairman of
 “ the Prisons' Board, and he pointed him out to Brady. (Q.) I understand you
 “ said that Boyton pointed out Mr. Burke, the Chairman of the Prison's Board,
 “ to Brady?—(A.) Yes, he travelled in the one train from Salem Station,
 “ County Kildare. (Q.) Did you hear him say anything besides pointing him
 “ out?—(A.)—No, he pointed out he was to be assassinated; one of the gentle-
 “ men to be assassinated. (Q.) I do not know whether you can answer this
 “ question compendiously, if not, I must put it in detail. How many of these
 “ Invincibles were Fenians?—(A.) All connected with the party in Dublin.
 “ (Q.) All these names that you have given, were they all Fenians?—All con-
 “ nected with the American Council; all the Invincibles that I knew, with the
 “ exception of him. (Q.) With the exception of whom?—(A.) Boyton.

Your Lordship will see long after this evidence was given, Mr. Matthew Harris expressed the view that Boyton was not a member of the Fenian Society, confirming this man, although we had always supposed he was.

“ That is to say, members under the American party, not Stephenites?—(A.)
 “ Certainly.

Then we go into the question of other centres, passing by Mr. Matthew Harris, and swearing in of Curley by Mr. Matthew Harris. I do not know that that will be very material as to Mr. Harris. Then he proceeds at question 34,577 :—

“ When were the Invincibles formed?—(A.) It would be in the year 1881.
 “ (Q.) When did you join?—(A.) The latter end of 1881, or coming into 1882.
 “ (Q.) You stated all the Invincibles you knew were members of the Fenian
 “ party?—(A.) Yes, with the exception of Boyton. (Q.) Do you remember who
 “ swore you in?—(A.) Yes. (Q.) When in 1881 were you sworn in?—(A.) I
 “ cannot give any date. (Q.) About when in 1881 were the Invincibles
 “ formed?—(A.) To the best of my opinion it was formed about the middle of
 “ 1881. (Q.) You joined after that?—(A.) The latter end of 1881, or coming
 “ into 1882. (Q.) You said your brother swore you in, I think?—(A.) Yes.
 “ (Q.) Now do you remember a meeting at the Angel Hotel?—(A.) No, I was
 “ not present at the meeting. (Q.) Do you know of a meeting being held at the

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“ Angel Hotel?—(A.) Yes. (Q.) You were not present; did you know anybody who was there, or did you see anybody going there?—(A.) No. Were you told who was there?—(A.) Yes, certainly. (Q.) Who by?—(A.) James Mullett, James Carey, and my own brother. (Q.) They told you?—(A.) Yes, that was the time I was brought into the Invincible party. (Q.) Tell me what they told you?—(A.) They informed me.”

Then there is an objection as to the evidence, and I think it was ruled it was not evidence:—

“ (Q.) Who were the committee of the Invincibles?—(A.) P. J. Sheridan first introduced it at Dublin, John Walsh from the north of England, Captain McCaferty.”

Now I stop to point out to you that those three first initiators of these Invincibles, Sheridan and Walsh were both paid organisers for the Land League:—

“ P. J. Sheridan first introduced it at Dublin, John Walsh from the north of England, Captain McCaferty. (Q.) What is his Christian name?—(A.) I do not know his Christian name. (Q.) Who else?—(A.) Tynan, No. 1. (Q.) Who else?—(A.) That is all at that time who brought it into Dublin. (Q.) That was the committee that brought it into Dublin?—(A.) Yes. (Q.) Did anybody else to your knowledge join the committee afterwards?—(A.) Yes, there was another committee formed in Dublin then. (Q.) Who were members of that?—(A.) James Carey, Joseph Mullett, Dan Curley, and Edward McCaferty. (Q.) Had the Invincibles any money?—(A.) No.

Of course your Lordship sees from the class of men we are dealing with they were impecunious men; they would not have money.

“ (Q.) Any subscriptions?—(A.) No subscriptions. (Q.) What were they sworn in to do; was there any particular oath?—(A.) It was different from the Fenian organisation. (Q.) What was the oath?—(A.) I cannot remember; the principal part of it was to assassinate the Executive Council in Ireland at the time. (Q.) What do you mean by the Executive Council in Ireland?—(A.) The Lord Lieutenant, the Chief Secretary, and the principal part of them. (Q.) Anything else?—(A.) All the obnoxious Government officials. (Q.) Do you know where the Invincibles got their money from?—(A.) Yes. (Q.) Where from?—(A.) The Land League. (Q.) From whom?—(A.) Patrick Egan, Francis Byrne. (Q.) Anybody else?—(A.) No. 1, Tynan. (Q.) Who kept the money?—The Executive or the Council that formed the Invincibles at the time. (Q.) Where was it kept?—(A.) Part of the time James Mullett had some of it, and James Carey. (Q.) Do you remember any particular amount that came from the Land League?—(A.) James Mullett got 50*l.* (Q.) From whom?—(A.) Patrick Egan. (Q.) Do you remember any other amounts?—(A.) Oh, there were several given; I do not know the amounts, but several. (Q.) You mean several different amounts?—(A.) Several different amounts, some of them enormous sums. (Q.) What do you mean by enormous sums?—(A.) Something over 300*l.* or 400*l.* came at one time to him. (Q.) Now, do you remember anybody who received money besides James Mullett?—(A.) Yes. (Q.) Whom?—(A.) My brother received some of it. (Q.) Daniel Delaney?—(A.) Yes, and Joseph Mullett received some of it. (Q.) Anybody else?—(A.) Joseph Brady and James Carey. (Q.) Do you remember any Invincible having any arms?—(A.) Yes. (Q.) What sort of arms?—(A.) They were different arms altogether from the Fenian organisation. (Q.) I understand they were different arms (I will come to that presently), but what I want to know is, what kind of arms, knives?—(A.) Revolver, dagger, and knife. (Q.) When you say different kinds of arms to the Fenian organisation, in what respect?—(A.) Both in make, construction, and expense; they were all of them a more expensive article. (Q.) Higher class arms?—(A.) Higher class. (Q.) Do you remember the name of the maker of any; were there revolvers?—(A.) Yes, and two rifles. (Q.) Do you recollect the name of the maker?—(A.) O'Reilly, London,

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“Trenter’s patent was the revolver. (Q.) How many of the Invincibles had
“revolvers altogether?—(A.) The whole of them nearly that I knew.”

He says there were four revolvers. Then he goes back to the attempt upon Mr. Justice Lawson.

“I was arrested on Saturday, and I was sent that Friday. (Q.) You said
“you watched Mr. Justice Lawson a week before; I want to know had yourself
“watched anybody before that?—(A.) In the Phoenix Park business? (Q.)
“Before the Phoenix business had you had to watch anybody?—(A.) Yes, Mr.
“Forster, the Chief Secretary. (Q.) Now you have said the revolvers and rifles
“were brought from London by Frank Byrne’s wife; do you know who brought
“the knives over?—(A.) She brought them over. (Q.) About when were the
“rifles, revolvers, and knives brought over by Frank Byrne’s wife?—(A.) About
“the latter end of 1881, I think. (Q.) Were they all in one place in Dublin or
“different places?—(A.) They were distributed, James Mullett had some of them,
“Joseph Brady had some of them, and James Carey had the remainder of them.”

Then he speaks of watching Mr. Forster.

“ (Q.) Who gave you any order, or did you get any orders from anybody
“about it?—(A.) Yes. (Q.) Who from?—(A.) My own brother was the first.
“ (Q.) Daniel Delaney, James Mullett?—(A.) Yes, James Mullett and Joseph
“Brady.”

Then, he says, he did not come that way.

“Were any told off to shoot Mr. Forster?—(A.) Yes. (Q.) Who?—(A.)
“Joseph Brady and Timothy Kelly. (Q.) How were they told off?—(A.) The
“horses were to be shot on the carriage coming down. (Q.) Who told them off?
“—(A.) They got it from the council of the Invincible party at the time; the
“four that formed the council.”

My Lord, he proceeds giving detail as to this attack upon Mr. Foster, which, happily, was unsuccessful. Patrick Molloy, he says, was one of them. At the middle of page 1861 there is this:—

“Now, did you ever receive any orders about anybody else besides Mr. For-
“ster?—(A.) Yes, Mr. Anderson, Crown Solicitor. (Q.) What were the orders
“about him?—(A.) He was to be assassinated.”

James Boland and Pat Molloy, he says, were selected for that murder.

Then we come to the Phoenix Park a little lower down on the same page:—

“What orders did you get?—(A.) The 6th May in Dame Street. (Q.) Who
“from?—(A.) James Carey, Daniel Curley, and Joseph Brady; they were the
“three that gave the order. (Q.) What orders did they give to you?—(A.) That
“that morning I was to be at King’s Bridge at 9 o’clock. (Q.) What for?—(A.)
“To assassinate some gentleman that was coming down. I was not told who it
“was. (Q.) Anything more told you?—(A.) No. (Q.) Who were to be there?
“—(A.) All the Invincibles was there that I knew. (Q.) Did you go there?—
“(A.) Yes. (Q.) Did you see anybody on that occasion?—(A.) Yes. (Q.) Who?
“—(A.) All connected with the Invincible party. (Q.) Did you see any person
“who was to be assassinated?—(A.) No. (Q.) He did not come?—(A.) No.
“(Q.) Did you take any part in the Phoenix Park murder?—

He says “None” but he was there apparently.

“(Q.) How was that?—(A.) I was not told off. I would not acknowledge to
“it. I would not take any part in it. In fact, I did not know until after the
“occurrence had taken place. I was taken by force from work. (Q.) From
“where?—(A.) From work on the 6th May. (Q.) Taken by force on which
“occasion?—(A.) The 6th May. (Q.) Taken by force to do what?—(A.) To
“Phoenix Park.”

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So the man was present of course.

“I was working as carpenter in Collis and Thomas’s, the builders”—
and he came from his work.

“The first order I got was to be at King’s Bridge that morning by 9 o’clock.
“I was taken there by Timothy Kelly.”

Then he describes a meeting held in the public-house and speaks of Cavanagh, the carman. Then he proceeds and gives a description of his having the knives after the murder, and that Brady had them, and Brady destroyed the knives. Then at a subsequent meeting he now proceeds:—

“(Q.) The summer of 1882 you say you saw Frank Byrne; where?—(A.)
“My brother’s house, 49, Clanbrassil Street. (Q.) Is that Daniel Delaney’s house?
“(A.)—Yes. (Q.) Was it a meeting there or not?—(A.) A meeting of the
“Council of the Invincibles. (Q.) Who were present?—(A.) Daniel Delaney,
“Peter Carey. (Q.) Who else?—(A.) Joseph Brady. (Q.) Who else?—(A.)
“Joseph Mullett. (Q.) And No. 1?—(A.) Yes. (Q.) Frank Byrne, and, I think,
“you said No. 1?—(A.) Yes. (Q.) Anybody else besides yourself?—(A.) Yes,
“Byrne was there on one occasion. (Q.) I am speaking of the one when Frank
“Byrne was there at your brother’s?—(A.) I was not in the room when the
“meeting took place. (Q.) I am not asking you about when the meeting
“took place; what I want to know is whether on that occasion you meant
“Byrne was there or not?—(A.) No, Byrne was not there on that occasion.
“(Q.) Now, you say you were not in the room?—(A.) No. (Q.) but you can tell
“me this: Was there any new committee after that?—(A.) Yes, the first
“committee of the Invincibles was, after being arrested, under the Coercion Act.
“Then there was another formed. (Q.) Who were the members of the new
“committee?—(A.) Joseph Mullett, Daniel Delaney, Peter Carey, and Joseph
“Brady.”

He also gives the name of Tynan.

Lower down he says this:—

“(Q.) Was Byrne there on the occasion when the committee was appointed
“or not?—(A.) No; No. 1 formed the committee of it. (Q.) Byrne was not
“there on the occasion when the new committee was formed?—(A.) No.
“(Q.) How long after that did Frank Bryne come over?”

This is the material part—

“It might be the Exhibitions. He came to the Exhibition in Dublin; the
“National Exhibition. It might be in August 1882. (Q.) Did you see him?—
“(A.) Yes. (Q.) Was there a meeting of the new committee?—(A.) Yes.
“(Q.) Where?—(A.) 49, Clanbrassil Street. (Q.) Is that the same place?—(A.) Yes,
“the same place. (Q.) Did you see Byrne?—(A.) Yes. (Q.) Do you know what
“he came for?—(A.) Yes. (Q.) What?—(A.) The funds of the Invincibles was
“run out at the time, and he came to look after the way the money was
“expended. (Q.) How do you know that?—(A.) Well, we were told. (Q.) Who
“told you?—(A.) The new committee. (Q.) The members of the committee?—
“(A.) Yes. (*Sir C. Russell.*) We cannot have that. (*The Attorney-General.*) Did
“you see Byrne give any money that night?—(A.) Not to my knowledge.
“(Q.) Do you remember seeing any money on the table?—(A.) I did. (Q.) Do
“you know whose it came from?—(A.) No; I saw the money on the table.
“Whether he brought it or not I do not know. (Q.) How much?—(A.) I could
“not say. (Q.) Was it gold or silver?—(A.) Both; gold and notes. (Q.) You
“can tell me this. Your brother, and Brady, and Delaney, and Mullett, were
“the committee. Had they any gold and notes before this meeting, at which
“Byrne was present?—(A.) No, they got it from him there, it appears.
“(Q.) You believe it came from him?—(A.) Sure of it. (Q.) Now, do you
“remember any orders being given you in the summer of 1882 about Judge
“Lawson, or at any time in 1882?”

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Then we go back. Will you read question 34,791?

“(Q.) Do you remember Byrne saying anything when you were present at the second meeting, or at either of the meetings, about expenses?—(A.) I was not present at the meeting. I was in the next room to it, only a glass door dividing the meeting. (Q.) Did you hear what he said or not?—I did hear distinctly what he said. (Q.) Now, will you tell us what you heard Byrne say?—(A.) Brady wanted some of the police; he thought they had some information in connexion with the business in Dublin; he wanted to have them assassinated. Byrne said it could not be done without orders. He said Egan would have to be acquainted with it and the orders should come from him, but that he would go in for Spencer. (Q.) Who said that?—(A.) Byrne. (Q.) Did he say anything else; do you remember Byrne saying anything about expenses?—(A.) Yes, he said there was some complaint about the enormous lot of money that was spent on them. (Q.) Anything else?—(A.) More money; for money not to stop the working of the business. (Q.) Did he say about money not to stop?—(A.) He said for money not to stop them. (Q.) You mean not to stop for want of money?—(A.) Yes, not to stop for the want of money. (Q.) Now you have mentioned the four men; was anybody present at that meeting besides the four committeemen and yourself outside the glass door?—(A.) No. (Q.) Was Byrne there on that occasion?—(A.) No. (Q.) After that meeting did any more arms come?—(A.) Yes, James Boland brought some from England. (Q.) What sort of arms?—(A.) Revolvers and daggers. (Q.) The same sort as previously?—(A.) No, not the same, different quality altogether.”

Then, again, there is reference made to Mr. Justice Lawson's attack, and that is dwelt upon in detail, and then we pass to other matters about McCarthy which are not in relation to the Phoenix Park murder, but McCarthy told the joke about the policeman putting arms on a car and about Fitzgerald. In this evidence, at page 1871, we have letters from Patrick Egan which are admitted to be genuine. The first is a letter of November 1881 addressed to James Carey, addressing him as “My dear James.” This is a genuine letter:—

“I am in receipt of your esteemed note, and I have only to say that there is no one of my acquaintances whom I would sooner see in any position in which it were desirable that sterling worth and true Nationalism should be represented than yourself. I am writing our friend Mr. D. Moran by his post, and if my words will have influence with him, I am sure you will have his support. Should you be selected, I will send 30*l.* towards the expense of the contest. I trust you will do all in your power to have that miserable donkey John Burns turned out this time. I will stand 30*l.* or 40*l.* towards the expenses of anyone who opposes him. The miserable creature has never been a Nationalist only in name. Don't say much in reply as my letters are liable to be opened, and don't give your address or name in your letter, only the initial J.”

My Lord, I may comment upon that. There is the sending for the purposes of this contest, harmless in itself, this 30*l.*, and a promise to spend 30*l.* or 40*l.*; at least, there is a promise to spend 30*l.* if successful. I do not suppose anyone will suggest Egan was sending that money out of his own resources.

(*The President.*) It appears, does it not, that it was a contest for some office?

(*Sir H. James.*) Town council.

(*Mr. M. Davitt.*) At which contest Mr. Carey had the support of the Conservatives of Dublin.

(*Sir H. James.*) Mr. Davitt makes that observation. I have no objection. The point I am upon is not who supported him in the contest, but that Egan is in a position to send money to Carey. I ask you to come to the conclusion that that would not be Egan's own private money. Unchecked by anyone as to how he spent his money he had license to send Carey money which here is shown to be for the harmless purpose of the council election; but if Mr. Egan wished to send Carey money for any other purpose, he had the money and he had the opportunity of doing it. That is the

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comment I wish to make upon the facts appearing in that letter. Then there is a second letter also addressed "My dear James":—

"Many thanks for your telegram in reference to Merchant's Quay. I need not say with what pleasure I received the intelligence with regard to the announcement in your telegram. You ought to know by this time that there is no need to pass compliments with me. I dare say the advice given by Mr. McGough not to mention my name in connexion with the subscription was a judicious one. The amount named will be available at any time that it is required, and I need scarcely say how sincerely I wish you success."

Will you note that McGough is the legal adviser of the Land League; and I have no doubt that when money came from the treasurer of the Land League, acting in Paris, to James Carey, James Carey placed the fact before the solicitor of the Land League, and the solicitor of the Land League said it is better not to mention the name, because that would have shown how the Land League money was going, and therefore it was better that silence should be maintained upon the point. Then a third letter is addressed later, on the 20th December, to Mr. Carey, and there is nothing that I know which is very material in that letter. Delaney speaks of a fourth letter which has never been produced, but which he speaks of. But those are the only letters that I have, of course, the right for one moment to rely upon; those letters being admitted to be genuine. My friend's cross-examination, of course, is very relevant and very pertinent, and, I think, my Lord, that what I have said must not be accepted by anyone as standing unaffected by that cross-examination. I wish to take the evidence as it stands in the result, and I would gladly, if necessary, read the details of the cross-examination; but the effect of it, I think, is this, that the witness himself had never seen Egan. When he spoke of money coming from Egan he had not seen Egan pay any money. I think also my friend's cross-examination was very pertinent indeed that Brennan had been in prison from a date in 1881 prior to the alleged meeting, and was not released till after the Phoenix Park murder. The meeting was in August; Brennan was arrested on the 10th May 1881, and he was not released till afterwards in June.

Now, taking first the evidence generally, I must take it that the witness has said that Egan and Byrne found this money and that it came from the Land League. He has given direct testimony that Byrne in the month of August 1882—therefore after the Phoenix Park murder—was present when a sum of money was placed upon the table before him, which this man says came from him, and he speaks of a conversation with Byrne which he hears Byrne have that Egan must be consulted before certain attacks were made upon the police or (as someone was wishing) upon Lord Spencer; and that Egan was complaining of the sums of money which had been spent.

(*The President.*) That is only what Byrne says.

(*Sir H. James.*) I am now upon Byrne.

(*The President.*) I know.

(*Sir H. James.*) Of course it must have been with Byrne, because Egan he has never seen. But, first, will you Lordship allow me to deal in very general terms for the moment before I come to corroboration of what I am putting to your Lordship—strong corroboration. Will your Lordships note the names that this man has given of persons who were Invincibles? You may divide them into two classes: the men who promote the acts of the Invincibles, who would be of a superior class, it may be supposed, designing crime, if they did, and encouraging it, and who had the means of encouraging it; and we have the second class; the men who, he alleges, were actors and who carried out the desire for the commission of crime entertained by other persons. Will you note the persons that he has mentioned—Sheridan, Walsh, Brennan, Egan, Byrne, Mrs. Byrne, Tynan. I put those in the first division. Second division: Carey, Molloy, Brady, Mullett, Kelly, Dan Delaney, Curley, Fagan, two Hanlons, and James Boland. With the exception of James Boland, who is not mentioned as taking a leading part, but only mentioned cursorily; will your Lordship note that every human being that has been mentioned by Delaney has either suffered by the hand of justice or has fled from it. There is not one of these men—not one, with the exception that I have mentioned, who has not either suffered the extreme, or nearly the extreme, penalty of the law, or who did not at the very time when disclosure took place of the Phoenix Park murders flee from justice, and have never dared to put their foot in this country

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again. My Lord, if it stood there alone there is corroboration, gigantic corroboration, of this man's statement. What has become of these men? I trace every one of them, and show you how the moment there was danger the truth would be known; they have fled from justice, and fleeing from justice they have never thought of returning or dared to return to a position which would place them in the slightest danger of justice reaching them and punishing them.

My Lord, before I trace them I have to ask your Lordship to consider who these men were that stood, as I have put them, together in the first class of actors—not the minor actors in this sad tragedy, but the principal actors.

Sheridan, Land League organiser and man, as we shall see, of enormous power, according to Mr. Parnell's view, for good or for evil to stay crime, to stop outrage, if he so desired. He was a Land League organiser throughout the country, and his speeches we have read at Land League meetings. He was in the end of 1880 selected by Mr. Parnell, or with his sanction on Mr. Egan's recommendation, as Land League organiser; and this man went through the country teaching how the Land League should be carried on.

Walsh, of Middlesborough, Land League organiser again.

Brenan, one of the secretaries, one of the controllers of the Land League, one of the mainsprings.

As Malachi Sullivan, writing to Mr. Harris, tells him, "Strip the Land League of its shell and you find nothing but Mr. Davitt, Brennan, and Egan." They were the triumvirate that controlled the Land League. Mr. Parnell, figurehead as he was to a great extent, had no power in the control of this League like these two men, Brennan and Egan, and when Mr. Davitt passed away from taking an active part in public affairs they remained. The shell gone, the kernel and fruit of the Land League were these two men, Brennan and Egan.

Byrne, the secretary of the English Land League.

Tynan, passing about, acting for the Land League in disguise, but certainly taking active part, and, as we submit to you, a visitor at Captain Dugmore's. He was an active supporter of the Land League.

So, my Lord, here we have these principal actors charged by this man, it may be to some extent by floating statement and not by actual proof, except with respect to one of them—what Doran said. But is not this the corroboration—that from the very day that the truth was becoming disclosed by the statement of Farrell, the first statement of January 20th, 1883, and by the subsequent statement that was made by James Carey, which, I think, was on the 24th of February, every one of these men, who had presence in Dublin and vocations to employ them, left their country, and left their calling, and now the organisers of the Land League, who carried it in its early days to success—every one of these men I have mentioned—are fugitives from justice, without excuse, and without reason being given for their absence, unless it be that, according to the evidence of Delany, they were participaters in the crime—the sad crime—which was committed. My Lord, do not let it be said that I am making too broad a statement. I think with respect to every one of these men witness after witness has been asked when they were last seen. First, my Lord, as to Sheridan. He is attacked on account of crime in a different way from the way the others are attacked. There is first the evidence of a warrant. At page 3397 there is the evidence of Mr. Loftus, who speaks of Sheridan appearing disguised as a priest. Then we have it, as your Lordship will recollect, from the evidence of Captain O'Shea, that, at a date which I think must have been prior to the Phoenix Park murder, a warrant to arrest Sheridan, this Land League organiser, on a charge of murder was in existence.

(*Mr. Justice A. L. Smith.*) No, not on a charge of murder, I think. I do not think there was a warrant out against Sheridan on the charge of murder.

(*Sir H. James.*) Oh, yes, my Lord, I think so. Unless my memory is very deceptive there had been a warrant.

(*Mr. Justice A. L. Smith.*) There was a warrant.

(*Sir H. James.*) Not in connexion with the Phoenix Park murder?

(*Mr. Justice A. L. Smith.*) No, nor for any murder, I think.

(*Sir H. James.*) What I am referring to is this. When Mr. Parnell desired, after the Kilmainham Treaty, that Sheridan should be released Capt. O'Shea, went to the Home Office, and they said it was impossible to release that man because there was a

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[Continued.]

warrant then out against him. It was not a warrant under Mr. Forster's Act. It was a warrant, certainly, for crime. I may be wrong. Whether it is for murder or not, this is what I refer to at page 387. I think I am right:—

“ Now just answer my question, yes or no, Mr. O'Shea. Was a communication made to you by Sir William Harcourt on the same day with reference to the withdrawal of Sheridan's warrant?—(A.) Yes; that is what he sent for me for. He told me——. (Q.) You must not tell me what he told you. Just answer the question, yes or no, because I know, or am supposed to know, what you can say, and what you cannot, and, therefore, I will try and keep you straight. Did you have an interview with Mr. Parnell afterwards?—(A.) Yes. (Q.) Did you say anything to Mr. Parnell about the Sheridan difficulty?—(A.) Yes. (Q.) What did you say?—(A.) I told him that I had been informed that Sheridan, whose warrant was cancelled at my request on the previous Thursday, was a murderer, and a concocter of murder; that the police had informed the Home Secretary of the fact, and that he could not be allowed to remain in the country without arrest; that I begged, having been the cause of his warrant being cancelled, and supposing that he had returned, I requested that at least he should be given a short law, but that he must be communicated with immediately. Mr. Parnell told me he did not know how to communicate with him directly, but knew a person who could do so, and he went for the purpose of seeing that person.”

That is what I had in my mind. I do not know whether your Lordship thinks it bears me out quite to the strict letter. I really do not know, but I read that as meaning that that at that time could not have been a warrant for the Phoenix Park murder.

(*Mr. Justice A. L. Smith.*) Loftus was the man who said there was a warrant out against him, and Sheridan went down in disguise to see his wife.

(*Sir H. James.*) Yes, disguised as a priest.

(*Mr. Justice A. L. Smith.*) In 1882 it was.

(*Sir H. James.*) Yes, that cannot be the Phoenix Park murder.

(*Mr. Justice A. L. Smith.*) No, it was not.

(*Sir H. James.*) Then what was the meaning of the Home Secretary or someone saying as I gather it that there was a warrant against him, that he was a murderer and a concocter of murder. It was not the Phoenix Park murder, because it was not till January 1883 that the suspicion arose as to who committed the Phoenix Park murder. I was merely conveying to you what was in my mind, namely, that this man Sheridan apart from Delaney's statement has a charge made against him that he is a murderer and a concocter of murder—not proved I admit, but so far acted upon that a warrant was in existence.

(*The President.*) No, I do not think that is established. The only warrant which is there spoken of was one which had been cancelled at the request——

(*Sir H. James.*) Of Captain O'Shea.

(*The President.*) Yes, I know. It is not at all likely that a warrant would have been cancelled at his request if it had been issued, because he must be arrested for murder. He goes on to say why he had succeeded in getting that warrant whatever it was cancelled. He ought only to have short law because he was a man suspected.

(*Sir H. James.*) If your Lordship pleases. Even if the words are of doubtful use I will at once give way upon the matter because my point is that whether it was to the extent of issuing a warrant—not a suspect warrant but a warrant for murder—there certainly was some view in the mind of the police that Sheridan was a man who could not be treated as an ordinary person. If your Lordship allows me to leave that statement there I am perfectly content with it so remaining.

Now your Lordship knows of course who Walsh is.

Now as to Mr. Brennan, what has become of him? The question was put to Mr. Parnell at page 4108:—

“ Now, as to Mr. Brennan. You know a letter was read (I cannot object in one sense to its being read) purporting to be from Mr. Brennan at some date,

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[Continued.]

“ which I forget, but I think either in February or March 1883. I asked for the address at the time. It purported to be London. When did you last see Mr. Brennan?—(A.) I last saw Mr. Brennan either in Dublin towards the end of the year——(Q.) Which year?—(A.) The year 1882 or 1883. (Q.) Which do you mean, because it is important, please?—(A.) It was the year that he left. (Q.) I am going to ask you what time he left directly?—(A.) It was towards the end of the year 1882 in Dublin, or in the beginning of the year 1883 in London. (Q.) How early?—(A.) I should think about the time that he was in London—about February. (Q.) Are you quite sure it was as late as February?—(A.) I think so. That is my impression, but I never like to speak particularly as to dates. (Q.) Is it not the fact that you had an interview with Brennan just before Carey’s statement appeared—a few days before?—(A.) I think it is very possible. (Q.) Did he leave for Paris?—(A.) I cannot say where he left for—whether he left for the Continent or for America. (Q.) You have never seen him since?—(A.) I have never seen him since. (Q.) When did you last see Mr. Egan?—(A.) I last saw Mr. Egan in the late autumn of 1882.”

Now, what has become of Mr. Brennan? Farrell gave his evidence on the 20th January. Carey, I think, on the 24th of February. A few days before Mr. Parnell sees him. And after Carey’s evidence has been given, whether it be in France or whether it be as we now know in America, Mr. Parnell tells you that is the last time I have ever seen Mr. Brennan, and he has never appeared in this country to Mr. Parnell’s knowledge since. My Lord, do notice who this man was, so actively engaged in political affairs, with every inducement to stop in this country, with nothing to take him away from the troubled times that have visited Ireland since then. He has been a wanderer on the face of the earth from the very moment statements were made by men who knew what had taken place in respect to the Invincibles. This, my Lord, was one of the triumvirate that had controlled the League.

(*The President.*) Where does it appear where Carey made this statement or anyone else?

(*Sir H. James.*) Your Lordship will get it at several points. I will give it you from Molloy’s evidence. It has been proved over and over again. Will your Lordship refer to page 1509. At page 1509 there is read to Molloy from the “Freeman’s Journal” of Monday, 22nd January, Farrell’s evidence.

(*The President.*) It must have been given at least on the previous Saturday night, I suppose?

(*Sir H. James.*) Yes, I take it the “Freeman’s Journal,” with good journalism, would have given the previous examination. That is the first evidence that is given by Farrell.

(*The President.*) Somebody seems to have thought it was the 20th. It is very likely it was reported on Monday the 22nd.

(*Sir H. James.*) I think so. Then your Lordship asks for the second date. It appears in “United Ireland”—Carey’s evidence—on the 24th February 1883. So it must have been some days before that. I do not know exactly, my Lord, the date, but whether it be the 19th or 20th it would be a few days before that time.

One other matter only, if you will allow me before adjourning to refer you to it, as to Brennan. At pages 5370 and 5371 Egan writes:—

“ You had, of course, heard the good news about poor T. B., out at last after over 12 months of it.”

That would be the time Brennan came out.

“ I feared the scoundrels were going to keep him in till September ”——
that was the expiration of the Coercion Act?—(A.) Yes.

“ He is going over to see you on Wednesday ; make him take a good holiday as he wants it, poor fellow, badly. For the sake of unity, so necessary now, make him keep quiet. Things certainly got very mixed recently. The O’Shea letter was ugly, but the best thing we can do now is to let the matter slide.”

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[Continued.]

I beg your pardon, that is Dr. Kenny's letter. It is written to Mr. Egan, I think.

"I fear I see again the hand (or perhaps cloven foot) of F. F. O'K."

We see by the conclusion that it was written to Dr. Kenny.

(*Mr. M. Davitt.*) Perhaps your Lordship will allow me to say this (I am sure Sir Henry James will not object), there never was a warrant issued or indictment preferred either against Egan or Brennan.

(*Sir H. James.*) I am going to deal with what was done.

(Adjourned to to-morrow at 10.30.)

"warrant" issued why it not produced little
of Mr. Sheridan on
called to prove

Wednesday Nov. 20. '89

James still on the Talk.

Continues on the Phoenix Park Tragedy.

53. References to true bills against Sheridan, Byrne & John Walsh
11. Le Carvis account Egan's account - "Warrant issued against him."
25. Parnell on Egan's departure.
72. Davitt quoting Daily News article on Egan in Paris when news of
murders (Phoenix Park) reached there.
(James makes an adroit use of concluding part of this account -)
66 Evidence Dr. Joe Kenny on Egan's "flight". Statement by
Jenkins on in Freeman's Journal read to Dr. Kenny.
64. Dr. Kenny's evidence read on Egan's departure:
7. Egan's illness.
Byrne's flight.
55. Molloy's statement gone into.
(If Byrne got money from Egan for the Invincibles; why
shd he get or ask for money from Parnell (as alleged by
Times) with which to escape?
(James grows very serious) Deals with non-production
of English Law League Books - Cash book from Aug. 1882
missing: therefore argues James these books destroyed
because they contained account of Byrne's expenditure which
hints James, included payment to the Invincibles. Times Logic
5019 Justin McCarthy evidence } James observations here very vicious
5027 Lewis on mining book } and thoroughly Times-like
5047. " Recalled on same
508. " Explaining
592. Mulqueeney's evidence poverty British League.
948. Money - Folly - Cashing cheque for Byrne.
297.4. Folly again
198 Parnell on Egan's control of funds
(* Set to see minute book of British League, if among
books in possession of Court.)
335 Parnell on Mrs. Byrne & Carey's evidence
May, 14. 1884 Brady, Anniversary, N.Y. all referred to
33 "Brave little woman" incident
Praise of Joseph Brady mixed with admiration of Mrs.
Byrne
116. 6th May, 1885. Last anniversary of 6th May last
738 Parnell on these things.
- James makes reference especially to these damnable occurrences

Parnell's evidence read - or rather what was said on this occasion read to him.

James ~~the~~ Conclusion.

3593. "The Brown Paper parcel". Mulqueeny. (Reads only a portion of this evidence. * Avoids Mulqueeny's admissions to me.)

2026 Farragher's evidence. "Messages from Egan to Mullet" (all who received money from Egan make Egan responsible for everything they do - This James argument.

March '88. Dr. Kenny's testimony to Farragher. { Edit Dr. J. all over.

2032. Farragher on money.

After the Phoenix Park Murders

("Connection of some kind - sympathy at least - on the part of those charged with the Phoenix Park Murders". James

* (The Times says the Manifesto was insincere. James accepts the manifesto as "a sincere expression".

4701 - "O'Brien on Tragedy" { NO reference to ^{forged} letters yet! -

3392. Egan's telegram protesting against - issuing reward in L.L. money. Telegram innocent enough. James argument usual unfair, very much so in this instance.

3391 - Irish Wall. Egan's cable. "Praise by faint - condemnation"

5613 - "Public opinion watched" Davitt quoted on State English feeling.

(Evidently James' case is against Egan re/ the Insurrection (Deasy's evidence) as myself re/ Fenianism & Clan na Gael)

2216 - Egan in Chicago on Curley re

4114 " on Mullet (United Ireland quoted)

4157 " again. (Parnell & Egan.)

4115 ^{6/7/88} - The Martyrs fund. Ford determining Relief fund should only go to families of those who had ~~not~~ ^{not} pleaded guilty.

2939. "The £100 Cheque" - "Opportune Remittance".

(Parnell's ~~and~~ Speech on this H. of C. Quote H.C. did it
(James: - "Parnell's own want of memory to blame for much that has occurred.")

3927-8 Parnell's evidence on the point. (Parnell's two statements ^{contradicted enough})
(Money not given to Byrne by Parnell, but advanced by Alfred Webb through Parnell for English Law Agent.)

36. "The Manifesto" condemning the Phoenix Park murder.
Davitt letter to the Standard (Responsibility of "omission" if not of "commission" (See James here)

(The whole letter read at my request) produces a good effect.
"The view of the Times" - Why then charge me with others?

30. "Dynamite letter" referred to. (James argument here very destructive of his case: Time says League carried out -
* outrage. Davitt says outrage killed League; and James reasons (see James) that arguments are proof that Parnell did not denounce outrage.

The Kilmainham Treaty

412/5-6 Parnell evidence on Sheridan.
337. " Speech H. Connors on same.
382. Other evidence (See his letter) Russell's Speech on Parnell's evidence.)

Comes to the Forged Letters.

"Question closed" - according to

3842. Russell's admission
(James gets out of the Forgery business on plea that Parnell's action against Times is pending!!!)

3845 Russell Statement re/Buckley.

The National League - "will deal more generally"

5417. J. Harrington on Branches N.L.
(First outrages attributed to speeches - then to organisations.)
("Parnell stopped action of Ladies Law League" thinking it dangerous)

5830. John O'Connor on Org. in Cork

5941. Queens Co " "

2502. Le Carron on Lenny's boast

614. Davitt on Parnell's views towards him & National League.

817. Speech Andrew Little attributing programme National League to me.

744 Programme National League.

(James finding awfully dull & tedious)

Finding himself walking on eggs - awkwardly cautious

3532. Revenue of J.H.L. American Receipts.

"after H.R. Bill £800 for America"

5698. Dr. G. Aug. '84. The Knowlton Meeting - reference
(drawing line round Black farm)

4227 Parnell in H.C. on Boycotting.

5106 Ed. Harrington on Boycotting. 2 June '85

1115. Castlebar League found 12 June '84 Prop. Davis

5458 Ed. Harrington's acc. of Kerry H. League. Kerry H. L. ded. for 1885

5417 - Harrington's account - League Kerry.

Land act was working in 1883-4 in session
quiet. ... In 1884-5 - Low prices again disturbing

954. H. Ireland on Kerry.

2155. "Protection Pacts" Sleekie's evidence. H. L.

2125. 2 am.

2315. Dr. G. League. Reads again for 6th time & the "Coffin" resolution

528 Finlay's case again, like preceding read for at least six times

872 } Culloty's case. March 12, '82 Shot

941 } July '85 Boycotting

508 Child died no coffin.

874 Ed. Herbert Boycotted

857 " '81 Kerry Sentinel said could not get bread to

859 Little girl hunted.

May 24 '86 K. Sentinel refers to him.

June 26 " Shot - K. S. alleges Herbert shot himself.

Haggerty's case winds up James Series of Stock outrages.

Comes to the Priests:

His exhortation on their forgetfulness of duty.

Bishop Walsh - condemned by faint praise.

Draws a line between "P.P.'s" & "C.C.'s"

5137. Father Godley? on persons who committed outrages. (Refers again to Fr. Donohue)

Kerry P.P.'s "old whigs" "old fossils." (Refers again to Fr. Donohue)

(James deduction that the P.P.'s stood aloof from movement entirely)

James 10th Day

"Uncorrected Proof."

6959

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1.

Wednesday, 20th November 1889.

(*Sir H. James.*) I was dealing yesterday afternoon with the circumstances attending the departure of certain prominent men connected with the Land League, and with respect to whom, I suggested to you, that their departure was connected with the Phoenix Park murders. I would desire, if you would allow me, to accept more fully the view that fell from the Bench in relation to the position of Sheridan. I would take the warrant referred to in the evidence of Captain O'Shea, the suspect warrant, that the suspicion which existed at that time, although not acted upon in relation to Sheridan, was not a suspicion affecting what could not have been the Phoenix Park murders, but referred to some other crime, and not to that particular incident.

My Lords, it is, however, the fact that as against three of these men, Sheridan, Walsh, of Middlesborough, both Land League organisers, and the mysterious Tynan, No. 1, true bills have been found by the grand jury of the city of Dublin, charging them with being guilty of the murder of Mr. Burke. Page 3353 refers to the bills being found, which Bills were produced by Mr. Foterill.

Now, my Lords, still further we have to deal with another prominent actor in the Land League office, most prominent, namely, Mr. Patrick Egan. I would call your Lordships' attention, first, to the account which was given by Le Caron at page 2611, that of Egan's own account of his flight, as I submit to you, a flight from justice. It was during the trip, as Le Caron calls it, to Boston, after Egan's arrival in America in 1883, that this conversation took place. It is at the conclusion of the page, Question 44,448 :—

"Patrick Egan said to me"—

Then there is an interruption, and he proceeds :

"In citing to me how readily information was obtained from the Castle, he said
"that within 20 minutes of the order being issued for a warrant for his arrest
"from the Castle, that he knew of the fact; that he was at his office at the time,
"and he at once proceeded to his house and packed his satchel. He had two
"children sick at the time, and Dr. Kenny was attending the two children. He
"packed his satchel, destroyed a number of documents that he had in the house, some
"pertaining to the Irish Republican Brotherhood during his connexion therewith.
"Also some letters from James Carey; destroyed all evidence that would tend to
"incriminate him in case of his arrest. He had, fortunately, a Scotch friend
"in the flour trade from Belfast, who he got to assist him in getting away. He
"gave him his rug and his valise, and instructed him to go to the northern
"terminus and purchase a ticket for Belfast. He himself arrived at the railway
"station one moment before the train started out, took the valise and rug
"from his Scotch friend, slipped into the train, and that night was in Belfast.
"Upon his arrival in Belfast, he found he could not get out of Belfast by boat,
"and he went to an hotel and slept that night. In the morning he purchased a
"return ticket to Leeds, travelled with that ticket as far as Manchester and then
"got off the train. He then purchased another ticket at Manchester for
"Hull, and took the steamer at Hull for Rotterdam, and thus got out of the
"country."

If that is true, that looks like the flight of a man who was very desirous to avoid any arrest. This is not an arrest under Mr. Forster's Act—the arrest of a suspect. This is an arrest for crime, and when we see the date upon which this occurred, it is a date when the statement of Farrell on the 20th January, and the statement of Carey later, about the 24th February, were warning the public, and were warning th

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[Continued.]

authorities, that persons were suspected of this murder who had not been arrested. Your Lordships will be aware that there has been—that is a suggestion made both by Mr. Parnell and Mr. Davitt—that this departure of Mr. Egan was one that resulted from his business arrangements, and was one in no way connected with the incidents attaching to the Phoenix Park murders.

When you refer to Mr. Parnell's evidence at page 3925, the bottom of the page, Question 58,865, you will see:—

“About this time did you again see Mr. Egan in the autumn of 1882?—
 “(A.) I saw Mr. Egan in the autumn, yes. (Q.) Did he make a communication
 “to you as to the state of his business?—(A.) He told me that his business had
 “been ruined, owing to his enforced absence for 20 months from Ireland, and
 “owing to the arrest of his only partner. (Q.) Who was his partner?—
 “(A.) Mr. Rourke; and that it was insufficient for them both, and that he com-
 “templated making arrangements with his partner and himself going to America
 “to try his fortune in the new world. (Q.) He did proceed to America, I believe?
 “—(A.) Later on. (Q.) In the spring of 1883?—(A.) Yes. (Q.) And has since
 “carried on business there?—(A.) Yes. (Q.) In the same autumn (1882) did
 “you form the National League of Ireland?—(A.) Yes.”

And so, according to that view of Mr. Parnell, Mr. Egan was a gentleman who having been absent from his business in Ireland, in France, in the autumn of 1882, determined to abandon it, in pursuance of that business arrangement, a little later than time the intention was originally formed, to live in America instead of France. And, my Lords, that is the view that Mr. Davitt seeks also to present to you. He quotes, and it was put in evidence by Mr. Davitt, a statement that appeared in the “Daily News,” and afterwards quoted in the “Times” at the time of the Phoenix Park Murders. It is at page 6372. The scene is graphically described.

“Perhaps it may not be amiss for me to describe how Egan, whose name
 “has been mixed up in the matter, received the news of the Phoenix Park
 “murders. I sought entirely for journalistic purposes to make Egan's acquaint-
 “ance when he was here, and got to know him very well, as he happened to live
 “near me, and I had frequent opportunities of meeting him in the tram cars,
 “public gardens, and other places. It happens that I saw him at the moment
 “he heard of the Phoenix Park murders. It was at the Madeline Station
 “of the tramway leading to the Avenue de Villiers where he resided. I
 “was going in that direction and Egan was coming from it. He stepped out
 “of a car and went to a kiosk to buy an evening paper, and then sat down on
 “a bench and looked at it. When he opened and looked at it the paper fell
 “from his hands, and he became quite corpse-like. I had not, as he had not
 “seen me, intended to accost him; but when I perceived his state I was under
 “the impression that he was dying, and went to see what was the matter, so as to
 “call assistance were it wanted. For perhaps five minutes he could not speak,
 “and kept staring in a fixed way and looking more dead than alive. I questioned
 “him at last, and he pointed to the paper ‘La France,’ and said, ‘Look at that.’
 “I picked it up, and read of the Phoenix Park affair. Egan's words, when he
 “was able to speak, were: ‘What an awful fatality, Cavendish was the best of
 “the whole lot. Poor Cavendish, poor Lord Cavendish.’ Later on he conversed
 “a good deal. His feeling was, that what had happened would damage the cause
 “which he had at heart. He was terrified at the savagery of the act. About
 “10 days later I met him again in the street, and he told me that he thought of
 “going off to some western part of America where peace and quietness were to be
 “obtained. Egan was, it appeared to me, the very contrary of reckless or
 “unscrupulous, and struck me as a man of gentle disposition, and by no means
 “strong nerve.”

My Lord, I have no doubt that the description of Patrick Egan's horror, I will say, at reading of the death of Lord Frederick Cavendish is accurately described. I shall, in a few moments, have to deal with the effect of the murder of Lord Frederick Cavendish upon others. Of course, as we know now, the death of Lord Frederick Cavendish was not intended, even by the murderers themselves; and that death would

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[Continued.]

have been most opposed to the action—the death, I mean, of Lord Frederick Cavendish personally—would have been opposed to the action of Mr. Parnell, for reasons I will give to you. You will note that in that statement there is no reference made by Egan to the death of Mr. Burke of any kind. The whole of his horror, the whole of his amazement; his exclamations and statements are confined to the death of Lord Frederick Cavendish. And you will note that the gravity of that evidence, as I presume it had been regarded by Mr. Davitt, was to show that at that time, which must have been the 7th or 8th of May—the 7th, probably, of May 1882—Mr. Egan had then formed an intention of going to the Western States of America; and that he had arranged, as Mr. Parnell has said, for business reasons, there to live. Well, it is a fact that Mr. Egan did not go to the Western States of America during the year 1882; and that it was not until the date we can fix in 1883, after the disclosures, that he did go. But, my Lord, this thing becomes almost amusing, if one can find anything entertaining in so sad a subject, because there is a witness, of whom I will only say he certainly would not be disposed to give evidence hostilely to the Respondent if he could avoid it, who knows about this flight, and who tells you all the circumstances of this flight, so far as he knows them. And he shatters this unfounded theory of a business change of residence on the part of Patrick Egan.

My Lords, I am referring to the evidence of Dr. Kenny. I will refer first to his evidence at page 5366. What I am reading would not be evidence of the fact, but it is very material evidence as affecting Dr. Kenny's testimony. The first is a statement which appeared in the newspapers on the 9th March 1883, and on which Dr. Kenny was to be cross-examined. I must read it; it is a statement made by Mr. Jenkinson, Chief of the Criminal Investigation Department, who communicated to a representative of the journal.

(*The President.*) What journal.

(*Sir H. James.*) The "Freeman's Journal." It is the following:—

"In consequence of the numerous inquiries which have been made during the last few days as to the whereabouts of Mr. Patrick Egan, treasurer of the late Land League, I wish to communicate what I know of him. Mr. Egan has been under police surveillance for some time, but notwithstanding the strictness of the watch kept upon his movements, he left Ireland surreptitiously on Thursday last unknown to the detectives who were watching him, and it was not until he was out of the country for five days that the police became aware of the facts. Mr. Egan also knew that soon after James Carey gave his evidence there was a search made at Carey's residence, which resulted in the finding of three letters written by him, and dated in October and November 1881, at the period when the Invincibles were established in Dublin. These letters were addressed to Carey from Paris, where Egan was then staying. They are couched in ambiguous terms, and at the end of one of them is the expression, 'I hope you will succeed——'"

It is printed "not" here; that is a mistake.

"I hope you will succeed in the work you have in hand. I believe Mr. Egan is now in France. They are all afraid of what Sheridan knows. We, the 'Freeman,' have been informed that Mr. Egan has left the country for Belgium, where one of his daughters is seriously ill; and that it was Mrs. Egan who has been ill, that Dr. Kenney has been in attendance upon."

My Lord, I will refer if I can to the "Freeman," because I see when that was read I have placed a note as to whether this latter portion was or was not in the "Freeman," so perhaps your Lordship will allow it not to be assumed at present to be in the "Freeman." I have not seen it for sometime.

This brings, of course, Dr. Kenny in attendance on Egan's family, and it is strange that Mr. Egan, who in May 1882 is said to have formed a resolution to live in the Western States of America, had retained his residence in Dublin until this date of March 1883, and that his wife and his family were there. This, my Lord, is what

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SIR HENRY JAMES.

[Continued.]

Dr. Kenny says he knows about this. At page 5364, Question 82,712, Dr. Kenny is asked,—

“ Is not it the fact that Egan left Dublin shortly after Farragher had given evidence No, Farrell—Farrell is the name. Farrell or Carey had given their evidence?—(A.) I think not. I really do not know. (Q.) Are you able to fix the date?—(A.) I am not. (Q.) Now try and think, please?—(A.) There is but one question that will give me any idea of the date, and that only in a general way. You said just now, at least I understood you to convey, that he did leave in February 1883. Well, now, it strikes me, refreshed by your observation, that was probably the case, because I have a distinct recollection I was going to take an action against the ‘Daily Express,’ for publishing what was an untrue account of my connexion with Egan at the time, and it was, I think, in the beginning of that year. (Q.) Before he left, I understand you had it in contemplation to bring an action?—(A.) No, no, after he left; immediately after he left. (Q.) Did you carry that out?—(A.) No, they apologised. (Q.) In the first place, did he reside at a place called Suinith Place?—(A.) Then? Oh, not at all. (Q.) Do you swear that?—(A.) At that time, not at all. (Q.) Where did he reside then?—(A.) 10, Mountjoy Place. (Q.) In February, or January or February?—(A.) The time he went away he was living in 10, Mountjoy Place. (Q.) Were you attending him?—(A.) I was not attending him, I was attending his wife. (Q.) As a matter of fact, do you know the actual date on which he did disappear?—(A.) I do not, indeed. (Q.) Had you seen him several days before he left?—(A.) I think I saw him about two days before he left. (Q.) Did his wife come with him?—(A.) No. (Q.) Was his wife ill?—(A.) His wife was very ill at that time. (Q.) Seriously ill?—(A.) Very seriously ill. I have no doubt, from my professional knowledge, she was seriously ill. (Q.) Have you any objection to say what it was?”

Then he wished not to say—my friend was putting it to test whether there was a serious illness or not.

“ I will not press you if you object; she was seriously ill?—(A.) She was seriously ill. (Q.) And dangerously ill?—(A.) And dangerously ill.”

I would ask your Lordship to note this in connexion with Mr. Egan’s departure for business arrangements.

“ How long did she remain in Dublin after Egan disappeared?—(A.) I think she went away sometime in the early summer. (Q.) He never came back?—(A.) Mr. Egan? No, never to my knowledge. (Q.) How long was she seriously ill?—(A.) She had been ill for about—if I had known, my Lord, I would be asked this, I would have referred to my note-book, which would have given me the information. If I remember right she was ill about 10 or 12 days before his departure, and she remained so a considerable time. (Q.) She was ill about 10 or 12 days then—she was seriously ill—getting worse?—(A.) I really cannot tell you. (Q.) Try and think—she was dangerously ill?—(A.) She was dangerously ill. I have a distinct recollection of what was wrong with her; but I am not going to tell you. (Q.) I have no intention to press you with any questions, and I do not intend to ask any—the fact was she was seriously ill and getting worse?—(A.) She was ill. I cannot say at the particular moment she was getting worse; but unquestionably she was so ill she could not have gone out and left her bed-room. (Q.) She was confined to her bed?—(A.) Confined to her bed. (Q.) Had Egan been under police supervision before he left?—(A.) I am not aware. (Q.) You never heard of it?—(A.) No. I never heard of it. After he went away, I heard he was, but I never heard it at the time.”

Then, my Lords, we come to a question as to the statement in the “Freeman” which I have read, which is admitted. Then that which I have read will carry us to page 5367. Again he is asked as to Mrs. Egan’s illness. Then there is an editorial

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note which I do not know is evidence of the fact, but it is evidence in his cross-examination, which I think will speak for itself:—

“ Do you know who the editor of the ‘ Freeman ’ was at that time?—(A.)
 “ Mr. J. B. Gallagher was, I think, at that time. (Q.) Do you know where
 “ Mr. Egan left from?—(A.) I do not. (Q.) Do you know what time of the day
 “ he left?—(A.) I do not. (Q.) Had he left Sinnith Place at any time?—(A.)
 “ Oh, long before that; before he went to France. (Q.) Do you know at all
 “ what route Mr. Egan went by?—(A.) Very long afterwards I heard he went by
 “ the Northern line, but I never heard any more particulars than that he went to
 “ Belfast—I heard very long after—years after. (Q.) Who did you hear that
 “ from?—(A.) I cannot tell you at the present moment; it was several
 “ years after; it was in some casual conversation. (Q.) You mean by train to
 “ Belfast?—(A.) Yes. (Q.) And then to England?—(A.) That may be quite incorrect,
 “ for I do not know it as a positive fact at all. (Q.) Who did you hear it from?
 “ —I cannot tell you; some casual conversation. (Q.) Did you hear he went by
 “ steamer from Belfast?—(A.) There are no other means of communication.
 “ (Q.) I meant to France?—(A.) Oh, no; I never heard any of the facts of his
 “ going away at all, even at any time. I did not at any time hear of the parti-
 “ cular route he went by. I only heard he went by the Northern railway. I
 “ heard that is the route he took. (Q.) Were you in communication with him
 “ about the condition of his wife’s health?—(A.) Whenever I met him there.
 “ (Q.) I am speaking of after he left?—(A.) I do not think I wrote to him for
 “ about two months after. I think I did not, but I really cannot recall that.
 “ (Q.) Did you know where he was going?—(A.) No, I did not. (Q.) Did you
 “ know that he was going?—(A.) No. (Q.) He left without giving you any
 “ warning?—(A.) Yes. (Q.) I understand you had been on intimate terms with
 “ him?—(A.) Certainly; but I had not seen him for two or three days prior to
 “ the day he left. (Q.) His wife was in a serious condition; you had been seeing
 “ him two or three days before?—(A.) Certainly, possibly two; not more than
 “ three. (Q.) You did not know the actual date, nor did he tell you the fact
 “ that he was going?—(A.) No. (Q.) Nor did he communicate with you until
 “ two or three months after?—(A.) I do not think he communicated with me
 “ then. (Q.) Did you write to him in New York?—(A.) I think my first
 “ communication was in New York.”

Now, my Lord, what becomes of the business arrangements carrying this gentleman for business purposes to the West of America? What becomes of the statement in 1882 in the “ Daily News ” newspaper when now the circumstances of his flight are shown by Dr. Kenny. Leaving his house, his family, his wife, his children in Dublin, Dr. Kenny, his intimate friend and associate in the Land League, with no warning of his flight to his wife, who is dangerously ill, left behind without anybody to take care of her, so that this man may fly from the danger he was in and from the justice that would be applied to him, and confirming Le Caron, because Le Caron speaks, with that variation which you find when men are speaking the truth, of Dr. Kenny attending the two children instead of the wife, and as to that, I know not on which side the truth lies, whether on the side of Le Caron or Dr. Kenny, but Le Caron’s statement is corroborated to the very hilt by Dr. Kenny, that here Dr. Kenny was attending the family of this man (subject to the variation I have mentioned), and that from that sick house and from that sick family, this man made his flight by way of Belfast, as Le Caron had stated in his evidence, by way of Belfast, and which, is the statement which afterwards reaches Le Caron’s ears. And this, my Lord, is one of the triumvirate who manages the Land League, this is one, with shell taken away, who stands by the side of Mr. Davitt, and who stands by the side of Brennan as controlling the very destinies of the Irish people for two long years; and this is the man uncontrolled in the spending of money, to direct it where he will, and direct it how he will; this is the man who has to fly from justice, and who is afraid to meet his accusers, be they false or be they true; this is one of whom Mr. Parne l speaks in his evidence that his confidence to this very hour is still unshaken, and who believes Egan to be, as he has ever believed him to be, a true and honest man. We heard, I need not remind your Lordship, of an application to examine Mr. Egan on

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commission, be it minister or engaged in presidential election or whatever it may be, there are matters, and grave matters, for him to tell your Lordship of, if true account he can give, that will clear him. Here was the testimony when the application was made, of Le Caron unheard, the evidence of his own friend Dr. Kenny unknown, and when these things are known this man remains absent either in his person or in his testimony, and he goes abroad and he leaves these things to lie where they have fallen, as telling proof that this man, afraid to meet the truth, afraid to meet the justice to be applied to him, is now in flight in America, and cannot return to this country on account of the deeds that he has done. I pass from this man, this conspicuous leader of the Land League movement, I shall take up his career in another direction, connected, as I am about to submit to your Lordship, with crime, but I pass from his connexion with the Phoenix Park murders only to remind you of Byrne's flight at a particular time.

I will, if you will allow me, postpone dealing minutely with Frank Byrne, because I have to deal with his flight in connexion with what we have termed the "opportune" cheque—the cheque for 100*l.* which he received from Mr. Parnell's hands, and which I wish to deal with specifically. I would only remind your Lordship, that he too departed from this country on a date that I think is the 22nd of January, or two days after Farrell gave his evidence. Of course, I have to refer to Frank Byrne's and Mrs. Byrne's position in connexion with these murders with more minuteness than I do at the present moment. I have disposed of those persons, whom I call the persons forming part of the first division, or persons connected with the Phoenix Park murders. I have said to you that they all fled from justice: Sheridan, Walsh, Brennan, Egan, Byrne, Mrs. Byrne, Tynan, every one, they have been heard of no more in this country. I will now in a few words deal with the more immediate actors still—the second division. They were immediate actors, but less important in their position, and I said they had either all fled from justice, or had suffered from justice. They are the persons mentioned by Delaney, Carey, Brady, Mullett, Kelly, Daniel Delaney, Daniel Curley, Fagan, the two Hanlons and, my Lord, Molloy. I am not sure that we have given you evidence as to the two Hanlons. I believe they have both suffered, but I am not sure that it is upon the note. With the exception of Molloy every person has been tried, and either been found or has pleaded guilty. Those are the Phoenix Park murderers, the men of whom Delaney, as I have mentioned to you, in prison kept, spoke of having committed those murders. I justify what I say also in respect to this man Molloy. He fled from justice too. I am sure I need not remind your Lordship of the circumstances under which this man gave his evidence, having made a statement and then departing from it. At page 1505 he tells you that he has been in Mr. Steward's office; he had heard the name of Robert Farrell. He is asked when:—

" (Q.) Was it not January 1883?—(A.) That he turned informer? (Q.) Yes?
 " —(A.) I do not know. (Q.) When did you hear of it?—(A.) I heard of it
 " somewhere in the early part of 1883. (Q.) Did you not hear of it in January
 " 1883?—(A.) I do not know whether it would be January or no; I cannot really
 " say. (Q.) You left Mr. Steward's employment?—(A.) Yes. (Q.) Did you
 " give him any notice?—(A.) I gave him notice that I was leaving. (Q.) Did
 " you give him notice that you were going to leave?—(A.) How do you
 " mean? (Q.) Did you not leave him without notice?—(A.) I did, I did not give
 " him any notice. (Q.) What made you go?—(A.) Because I had a dispute with
 " my parents at home. (Q.) Having a dispute with your parents at home
 " would not be a reason for leaving Mr. Steward's employ?—(A.) It was.
 " (Q.) Without notice?—(A.) Without notice. (Q.) Why should having a
 " dispute with your parents at home be a reason for leaving Mr. Steward's
 " employ without notice?—(A.) I made up my mind to leave the country.
 " (Q.) Where did you go?—(A.) I went to America. (Q.) Where did you get
 " the money from?—(A.) I had the money saved. (Q.) When did you go?—
 " (A.) In the early part of 1883. (Q.) In February 1883?—(A.) Either February
 " or March. (Q.) You told me you gave Mr. Steward no notice?—(A.) Yes.
 " (Q.) When you determined to go, did you go to his office and open your desk
 " to take all your papers away?—(A.) Not that I remember. (Q.) Will you
 " swear you did not? You cannot forget that you know. It is not a

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“ question of ‘Not that you remember.’ Will you swear that. Will you swear that you did not?—(A.) I will not swear that I did or did not.”

As to breaking open the desk, he says, “I swear I did not,” and he is pressed as to that. He went to America, as your Lordship, sees in February 1883. I think it is afterwards stated that he goes in a certain vessel at the next page, it is Question 26,330, the steamship “Pennsylvania” sailed from Liverpool.

“ When, I said?—(A.) I think it was February. (Q.) 1883?—(A.) Yes, 1883. (Q.) Well, you would remember the date you sailed. Had you been to sea before?—(A.) Nothing beyond crossing from Dublin to Liverpool. (Q.) You worked your passage out as what?—(A.) As a steward. (Q.) Then you paid nothing?—(A.) Yes, I did pay something. (Q.) What did you pay?—(A.) I think it was 30s. I paid the steward for to let me work my passage. I had not very much money. I had only 8l. or 9l. I did not want to go and pay 4l. or 5l. out of that. (Q.) You told me a little time ago when I asked you about your passage that you had saved money for it?—(A.) So I had. (Q.) The ‘Pennsylvania’ was the name of the ship?—(A.) The steamship ‘Pennsylvania.’ (Q.) Did you serve in your own name?—(A.) I served under my own name. (Q.) What name did you give?—(A.) I gave my own name to the steward; signed no articles. It is not necessary for a man who is working his passage to sign articles on board a ship unless you are getting paid for it. (Q.) What name did you give?—(A.) To whom? (Q.) To the steward?—(A.) My own. (Q.) What name?—(A.) Patrick Molloy. (Q.) What was the steward’s name?—(A.) Brennan. (Q.) What was his Christian name?—(A.) Michael. (Q.) Michael Brennan—(A.) Yes. (Q.) Steward of the steamship “Pennsylvania?”—(A.) Steerage steward of the steamship “Pennsylvania.” (Q.) Do you know who the owners are?—(A.) I think it is Spencer; I forget now, it is a simple matter to find out. (Q.) Just tell me if you know.—(A.) I think it is Spencer Brothers, I could not say for certain. (Q.) Where did you go in America?—(A.) I went to Philadelphia.”

He had read Farrell’s examination—

“ Did you know of Farrell being examined before Mr. Keys at the Dublin Police Court?—(A.) I read of it.

That is before he started.

“ (Q.) What did you read it in?—(A.) In the ‘Freeman Telegraph.’ (Q.) Which ‘Freeman’ do you mean?—(A.) The daily ‘Freeman.’”

Then he is cross-examined at length, which I need not read to your Lordship as to what he read in the “Freeman’s Journal” of Monday the 22nd of January. Then he is asked at page 1511:—

“ How long after reading that did you make up your mind to quit Mr. Steward’s employ.—(A.) Well, I could not say for certain. (Q.) Will you swear it was not within 24 hours?—(A.) I would not like to swear within what time, because the fact of my going to America happened very suddenly. I had a very serious dispute with both my father and mother. (Q.) Will you swear that this determination to go, or your going away, did not occur within 24 hours after this appeared?—(A.) I will not swear it. (Q.) Did the dispute with your father and mother arise after this or before.—(A.) It was brewing for some time. (Q.) I want just to know, if you please, how soon or how long a time after this appeared. Will you swear it was that you suddenly left Mr. Steward’s employ.—(A.) I could not say; I could not swear, it is so long ago. (Q.) Did you go to Mr. Steward’s more than once after reading this?—(A.) Yes, I did. (Q.) How many times?—(A.) I could not say for certain. (Q.) Try and think?—(A.) It is so long ago, I could not tie myself down.”

Then he is asked whether he thinks the Molloy mentioned there referred to him, and he says, “No, he did not.” Then we have this man going to America and remaining there for a considerable time, and then when these matters had cooled down and the excitement had passed away Mr. Molloy returns to Ireland.

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Now, my Lord, such is the disposal of all the men of whom Delaney spoke. I do not know whether you will allow me to state as to the Hanlons this: I cannot find in the note the disposal of them, but of course the fact is a very well known fact. What I believe is the fact is that Lawrence Hanlon turned informer, and that the second Hanlon, Joseph Hanlon, is in penal servitude.

I now have to ask your Lordship to allow me somewhat briefly, yet minutely, to criticise the important statement made by Delaney, and see whether there is not corroboration of it. The important fact from Delaney's evidence, as I read it, and the one that deserves the greatest consideration is this: that he mentions the fact of money being, in the presence of Byrne, paid over to these Invincibles at a date which I believe is correctly fixed according to the evidence in August 1882, which of course is after the Phoenix Park murders, but it is a payment to the men who committed the murders, at a time when their funds had run low, and is coupled with the conversation that before other murders could be committed, Egan has to be consulted. Of course that is very grave matter. Large sums of money had been, according to this man's statement, paid by someone to the Invincibles; they were men in needy circumstances, and not in a position to find money for themselves. The money had come from somewhere; there was one man who had uncontrolled power of very many thousands of pounds, the disposition of some 50,000*l.*, of which has never been proved before your Lordship, or dealt with. Byrne being in possession of money is the secretary of the English Land League, and, as your Lordship will see, did receive money from Patrick Egan, did receive money from the Irish Land League, that League of which Patrick Egan had been the treasurer—I think that is the better way for me to make my statement—and had received, on one occasion, a cheque from Patrick Egan also. Crucial to know, is this statement true or not? And may I ask your Lordship's attention to the fact, how should we best arrive at the knowledge whether this statement of Delaney's is true or not? It would be by finding out first, whether Byrne was in Dublin at this time; secondly, had he any money in his possession which he would have received from Egan or from those who represented the Land League? and, thirdly, had he been spending any money and disposing of it in the direction with which we are dealing?

My Lord, I will give Francis Byrne credit for being, as he was shown to be in later time when dealing with his accounts, a careful man, who would make record of money he received and money he paid, and he would make record of all money he received, as he was bound to do, on behalf of the English Land League, or money he received from the Irish Land League. He would keep account of that, and a faithful account of that, and, my Lord, such account would be found in the records of the English Land League, and in the books of the English Land League. He would say, I have received so much, I have spent so much, there may be expenses to Dublin so much, there may be received per Patrick Egan a cheque, whatever it may be, there will be the account to be found in that man's books, and if he paid money out to people, who at that time were undetected murderers, and even to a great extent unsuspected murderers, the entry would appear in that book, and then the matter would be disclosed to your Lordship where the money had gone.

Now my Lord, I come to a grave matter, a matter so grave that I admit I did not realise its importance when we were originally dealing with it, and I have to ask your Lordships' serious attention now to a state of facts which shows that that information, from business habits had been pursued, has found its record in this man's books, and these books have been kept back from your Lordship by someone knowing at a late period the importance of that statement that that information has been kept back, as I will demonstrate to you, by someone who is perfectly well aware of the importance of that entry. My Lord, what is the period we are dealing with? The important period of August, 1882, within of course the centre of the two years, between the autumn of 1881 and the autumn of 1883. In the course of these proceedings there has been a disclosure made of the books that had to be produced before your Lordship, and on the 9th of October 1888 Mr. Justin McCarthy made an affidavit, in which he stated that he had certain books, I should be accurate, he says he has obtained rather, a list of these books. He says—

“I have never had the books of the said societies in my possession, except,
“technically, as the said president; but with the desire of giving every infor-
“mation to the said Commission, I have obtained a list of the said books, which

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“ shall be produced for the inspection of the solicitors for the defendants, and
 “ they are as follows: Three cash-books, October 1881 to September 1883;
 “ ledgers, 1881 to 1883.”

Now, my Lord, that statement of Mr. McCarthy is exceedingly specific. There are many other books mentioned which have not been produced; I do not want to mix up matters, they proceed from other affairs, but this is what Mr. McCarthy states, that he has obtained a list, and I wish to speak of Mr. McCarthy with a feeling that I am sure that he has conveyed nothing to you but what is correct, that Mr. Justin McCarthy has obtained a list from a person upon whom he can rely. The circumstance attending this matter must be dealt with seriously. Mr. McCarthy's examination is at page 5019, will your Lordships mark the date, the 30th of May 1889. Mr. McCarthy was cross-examined by my learned friend, the Attorney-General, at page 5019, Question 76,838:—

“ Now, I call for the cash-book from October 1881 to September 1883.
 “ (*Mr. Lockwood.*) What cash-book? (*Mr. Murphy.*) The cash-book of the English
 “ Association.”

Then, my Lords, another book is mentioned a little lower down. Mr. Murphy says:—

“ I am upon a different matter now. I want the cash-book for the Irish
 “ National League of Great Britain, from October 1881 to September 1883, is
 “ that here? (*Mr. Lockwood.*) Yes, Mr. Lewis has it at present. (*Mr. Lewis.*)
 “ I either have it, or it is in the office. (*Mr. Murphy.*) I also want, I may say,
 “ the ledger from 1881 to 1883. The first is the cash-book from October 1881 to
 “ September 1883. (*Q.*) What has become of that book, Mr. McCarthy?—(*A.*) I
 “ do not know in the least.”

Then his attention is called to his affidavit, in which he said he sent it to Mr. Lewis, and Mr. Reid said:—

“ My Lord, I will call Mr. Lewis to explain it.”

Mr. Lewis is called, and you will find his evidence at page 5027, Question 76,978:—

“ I must now take the National League. I ask you from whom came this
 “ information about the National League, or it may be, I think, the British branch
 “ of the Land League—I correct myself, it is not the National League—the
 “ cash-book, from October 1881 to September 1883. That is document 3 in
 “ Mr. Justin McCarthy's first affidavit. From whom came the information that
 “ there was that book?”

Then, my Lords, you will note the answer:—

“ (*A.*) Mr. Brady. (*Q.*) Has the book ever been produced?—(*A.*) I have
 “ telegraphed to Mr. Brady. There is some confusion about it. I hope, by
 “ to-morrow morning, it may be cleared up. (*Q.*) Really, that is not an answer
 “ to my question. I want, first, to ask, has it ever been produced?—(*A.*) No, I
 “ believe it has not. But, Mr. Attorney, may I be allowed to say this—the books
 “ that have been brought into my office have not been under my personal charge
 “ at all.”

I think it is due to Mr. Lewis to call your Lordship's attention to that.

“ They have remained in the boxes in which they were brought, and have
 “ been put in a room, and given over to the inspection of Mr. Soames, every
 “ single book or document that has been in my possession. This came by a
 “ separate list. I remember, perfectly, writing to Mr. Brady, and asking him to
 “ send me a list of all the books of the English League, and I remember giving
 “ directions that it should be filled in from the original list that Mr. Brady sent to
 “ me. Where the mistake is I really cannot say at this moment. I hope to clear
 “ it up before to-morrow.”

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Your Lordships will see that Mr. Lewis's memory was then not that he had done anything, but that he had given directions that it was to be filled up from Mr. Brady's list.

"(Q.) First of all, I will ask you to produce to-morrow, if you have not got it here to-day, the original list that Mr. Brady made out. That you have got?"
 "(A.) I daresay it can be found. (Q.) You say you have telegraphed to-day?"
 "(A.) Yes."

Then he proceeds to another matter about a letter from Mr. Soames, and it is made very specific, if you will see.

"(Q.) It is cash book from October 1881 to September 1883?—(A.) Yes."
 "(Q.) Have not you received three or four subsequent applications from Mr. Soames for these books?—(A.) I do not remember."

And then, my Lords, we proceed upon the matter of communications between Mr. Soames, which I need not refer to.

"(Q.) Have you taken any steps whatever to try and find that book?—(A.) Yes, I sent for Mr. Brady."

(Mr. Justice A. L. Smith.) Where are you now, Sir Henry?

(Sir H. James.) The top of the next page, my Lord, page 5028.

"I really cannot clear it up for you at this moment. Mr. Brady is a perfectly respectable man, and I am quite certain that the books are either at my office or at Mr. Brady's office, and that they will be here to-morrow morning if he has them; I am sure of that. (Q.) Look here, ledgers 1881 to 1883.—(A.) It is the same thing. (Q.) I must ask you upon what instructions, if that is so, you allowed Mr. McCarthy to make this further affidavit yesterday."

That is, that he gave directions for the books to be forwarded to Messrs. Lewis and Lewis. So the matter was left on that day; but, on a subsequent day, Mr. Lewis is recalled, and at page 5047, there being an interval, I think, between the Friday and the Tuesday—if I am right, it is the next day, 31st May—Mr. Lewis there gives another statement. He is called by my learned friend, Mr. Reid, and at page 5047, his attention being called to the affidavit, your Lordship says—

"I only want to get what the mistake is?—(A.) This is the affidavit: 'I have obtained a list of these books, which shall be produced for the inspection of the solicitors for the defendants.' And then it says, cash book from October 1881 to September 1883. (Q.) What should it be?—(A.) It should be from 1883 to 1886."

So, my Lords, the proposition is that there was no cash book, and no ledger kept during this period of 1881 to 1883 upon this occasion. Then I ask the witness—

"What months?—(A.) On that list you will find it. Mr. McCarthy says he has obtained a list of the said books."

Then we proceed—

"There is also No. 5 in the affidavit."

Then, my Lords, attention is called to it, and the President again says—

"To when?—(A.) It ought to be from October 9th, 1883, to October 19th, 1886, and October 1886 to October 1888; ledger for expenses October 1883 to August 1888."

Then I say:—

"It is in this list ledger 1881 to 1883. A ledger for receipts October 9th, 1883, to October 1885."

And then your Lordship says:—

"Am I to take it those are all?—(A.) Those are all the books that came into my possession, and which have been inspected. (Q.) And, therefore, you say the ledgers from 1881 to 1883—(A.) Have not come to us; the ledger and cash book. I am very sorry for the mistake."

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Then your Lordship will see a little lower down I said :—

“ I ought not to make any comment, but I wish to affect my friends with notice that no ledger and no cash books from 1881 to 1883 have been produced; I wish to draw their attention to this; and if there are such books, why they are not produced?—(A.) Mr. Brady is in Court, if any information is desired, he can be called, my Lord.”

Then your Lordship says :—

“ It is not for me to say what witnesses should be called.”

And then Mr. Reid says :—

“ I will direct my attention to what Sir Henry James has said.”

Now, my Lords, I have a few questions to ask of Mr. Lewis, how it was that in the affidavit he had stated that the cash book and ledger existed from 1881 to 1883. Coupled with this fact that in the affidavits there is also an affirmative statement that the cash book then existed from 1883 to 1886, and there is a separate statement by Mr. Justin McCarthy from the list Brady sent, that there was a cash book from 1881 to 1883, and also the ledger from 1883 to 1886. And then it is said, “ 1881 to 1883,” ought to have been from 1883 to 1886. Therefore you see that groundwork of the cross-examination which generally falls to the lot of counsel was marked at some question. Will you also look at page 5,048. It is following on what I have been referring to. Mr. Lewis having said :—

“ I wish I could explain it, it is a mistake of mine.”

I said :—

“ I should like, if I could, to obtain the information how affirmatively any confusion of dates from October 1881 has arisen, if there is anything to represent it. It is not a kind of thing people imagine.”

Then, says Mr. Lewis :—

“ It is some mistake I cannot explain. (Q.) Who would be likely to be able to explain it?—(A.) I took that from a list; there is the original list I took it from. (Q.) Whose handwriting is it?—(A.) In the handwriting of Mr. Brady; there is the original list. I had no other books. (Q.) Is there any banking account produced for the same period?

“ (The President.) Mr. Lewis produced three documents, where is the other. It is as well to keep them together?—(A.) There is the list of 11th October 1888 of all the books.

“ (The President.) Here is the list of the books with the receipt of 12th October 1888?—(A.) Here is the other receipt.

“ (Sir H. James.) I want the original list containing an entry of October 1881 to October 1883?—(A.) Sir Henry James, I have already said it is a mistake. I have given you the original list from which the affidavit was prepared, but I cannot explain how it occurred. (Q.) Whose mistake is it?—(A.) It is my mistake.”

Your Lordship will recollect Mr. Lewis said he had given directions to someone to fill it in from the list.

“ (Q.) There is no such trace of any date from October 1881 to 1883?—(A.) I agree with you. (Q.) May I ask you, how is it, speaking to you as a professional man, and a man of business, did you or your clerk put in those dates imaginarily?—(A.) I am inclined to think I did. (Q.) It is circumstantially October 1881 to October 1883?—(A.) I know it is. (Q.) There had been books kept for that period in the course of business. Mr. Lewis, you can do it as well as anyone, you have no explanation how that imagination affected you?—(A.) It was not imagination, it is a mistake. (Q.) It is not a mistake, a confusion of ideas. Here is the affidavit affirming the date of two sets of books extending from one period to another. That could not have been done without something to mislead you?—(A.) Well, I think it is my mistake altogether. I do not think I have anything to mislead me, because here are the original books, which Mr. Brady brought me on the two different

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“ dates with each of these lists. (Q.) Do you apply the word mistake to writing
 “ down two such dates without any reason whatever?—(A.) Yes, I do.
 “ (Q.) Then, with nothing before you but the tablet of your mind, you sat down
 “ and wrote cash book from October 1881 to September 1883, and there is a
 “ perfect blank?—(A.) I should say I dictated it. (Q.) That is the same?—
 “ (A.) Yes, as writing it. (Q.) If you dictated that, there must have come into
 “ your mind the knowledge that there is a cash book?—(A.) I really cannot
 “ tell you; there has been nothing in the world kept back of any sort or kind,
 “ I would not keep anything back. (Q.) If you will try and trace it out?—
 “ (A.) I have sent for Mr. Brady, who is in court, and there are the lists.”

Then there are the final words of this explanation, and Mr. Reid says:—

“ My Lords, I will direct my attention to the point—”

And having directed his attention to the point, you never see Brady; you never hear anything more about Brady; and Mr. Reid is content to leave the matter as it stands.

Now, I do not think I ought to leave any theory or hypothesis standing against the character of a professional man. I am not suggesting to you that Mr. Lewis stated what he knew to be untrue—I am perfectly anxious to guard myself against that being thought for a moment—but I do believe Mr. Lewis has been imposed upon—imposed upon by somebody—I cannot say who—I cannot put my hand upon any man, for I know not who may have done this thing, but I say, when that list went to Mr. Lewis, that first list, it must have contained a statement that there was a cash book from 1881 to 1883—a cash book and ledger. No human being can believe that a man of business—an eminent man of business like Mr. Lewis—could have imagined those two dates. And when that affidavit was made Delaney's evidence was unknown. But when evidence was known, and the question became—as to everyone's mind it must have been—crucial, was Byrne spending money in going to Dublin? Was he receiving money from anyone? Was he paying money to anyone? When it became decisive of this, what were the entries in that book—the importance of it came to the mind of those who had given information, and with, as far as we know, access to the list—when months after, the inquiry comes a second time, there is then a different list, and there are different books; and the books that were to give your Lordships information, certainly upon this subject, are absent. And Mr. Lewis has to speak according to his memory, and to tell you that he imagined those two dates—specific dates, or else it could not have come into the affidavit of Mr. Justin McCarthy.

My Lords, can there be any doubt that, when in October 1888 that list was sent in, Brady, who had charge of these books, gave those dates according to the fact? Mr. Lewis, I say, and I put it to him, seemed to think himself it was somewhat strange. He could not have written down facts and dates in respect to these books from imagination. Let me point out that whilst all of us are likely enough to make errors in statements with respect to dates, this is not an alteration of 1881 to 1883, or a substitution of 1883 for 1886, because 1883 to 1886 comes within a few lines of that affidavit. So it must have been an insertion from a pure imagination, if it be that Mr. Lewis had nothing before him at the time to write from. My view is, that Mr. Lewis had these ingredients, and it may well be that in the space between October 1888 and July 1889, when he was giving his evidence, having a list now before him and books now before him, he may think it was imagination. It was no such thing. My Lord, two questions must be answered in respect to this matter. Did the English Land League keep books at this time. Has anyone told you they did not? In the ordinary course of business they would. They did in 1883 admittedly now, according to this affidavit. How could they have proceeded without keeping those books? When we come to deal with Byrne's flight in February, he has every specific item at his command in order to give account and record. Such statement must have come from some record. Can you believe that this English Land League was carried on without the cash books and without the ledgers that had apparently been in existence certainly for a portion of that time? Then if there was any period when such books would not be kept, of course, easy explanation could be given of the matter. But, my Lord, it goes far far beyond that. Mr. Lewis received these books, and received the list from Brady. Brady had charge of the books. Brady formed the list and sent the books to Mr. Lewis, and Brady knows the books he sent, and he knows the materials from which he drew out that

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list. My Lord, amongst those numerous witnesses who have not been called, I have to add this name now prominently to that list. "Brady," says Mr. Lewis, "is in this Court. I have sent to him for an explanation. He is here in Court." "I will direct my attention to the matter," says Mr. Reid, twice over, and this man Brady who is here to say what books he had and what books he sent—like every one of these officials, Quinn, and them all—keeps away from your Lordships, and keeps away from giving you the slightest information on the point. I have not seen the books myself, but it is communicated to me that the books of 1883 show balances carried on. I presume those books are in the possession of the officer of the Commission. If they do, it is an assistance to me in the argument that, of course, these books must have been kept. Now, I hope that I have demonstrated to your Lordship that this statement as to Byrne, which probably was true when we look with the light of subsequent events, has been effected by evidence which shows there was a desire to conceal from you, and there has been concealed from you, that evidence which would have shown whether Byrne had been dealing with money, and whether Byrne was in Dublin or not. And if so, whilst I do not wish to press too strongly the doctrine of presumption from the absence of evidence, yet, as I have said before, this is very grave matter. It is a matter which stands without explanation. It may have been that such matters as this pressed heavily on the judgments of the men, whoever they may have been, who determined that counsel should pass away from this Court, and they would take no part in the concluding statements to be made to you. This matter required explanation. My learned friend, Mr. Reid, had given your Lordship a pledge that he would inquire into the matter. No member of the Bar is there whose word would be more readily accepted than my friend's. I am sure he fulfilled his promise. He did give his attention to the matter. But before the time came when he could have told you the result of that attention, he is removed by the highest authority from this Court, and is told not to deal with this and similar facts; and so your Lordship is left in doubt as to what may have been in these books which Mr. Justin McCarthy stated in his affidavit did exist; and we have to deal with a blank, a blank created by those who might have supplied it to you with full efficiency. If I cared to retaliate against my friend's argument and my friend's phraseology, I should ask my learned friend Sir Charles Russell whether there is much weight in his telling us that, from force of circumstances, our case is a case of shreds and patches. Our patches and our shreds can be put together, I should reply. His case is a case of rents and tears which can never be brought together. Here is evidence which step by step could be given, and it is withheld, and it is a case which presents aspects to your Lordship beyond that of grave suspicion—wilful suppression of information which could be given.

I have to ask you to believe, under these circumstances, that Delaney's evidence with respect to Byrne's presence in Dublin is correct. The probability of his being there, I think, is now shown, and will be shown more apparently by subsequent events. If Byrne had this money, from whom did he obtain it? The English Land League, we know, were badly off for funds. The evidence on the point is at page 3592. It is in the evidence of George Mulqueeny. He states this at Question 57,696:—

"(Q.) You have made a statement about the funds of the organisation getting low about the years 1881 or 1882; was it well off or poor?—(A.) Very badly off indeed—in a state of bankruptcy. (Q.) Did they get any money from anybody? —(A.) We were assisted by concerts, and that sort of thing, and others. (Q.) Did you get any contributions from any other societies, to your knowledge; did they get anything from the Irish National Land League?—(A.) Well, we are speaking of the Irish National Land League. (Q.) Yes; but I am speaking of the British branch?—(A.) Yes; we got remittances from Dublin. (Q.) Do you remember any remittances?—(A.) Yes, two or three. (Q.) What sort of amounts?—(A.) 100l. (Q.) Do you mean each 100l.?—(A.) Each 100l. (Q.) About what time do you remember any remittances from the Irish National League in Dublin?—(A.) I cannot go into dates with you at all. I remember the facts; that is all."

Then he is asked as to Dublin:—

"(Q.) Now, did Byrne ever make any statement to you about the funds or about where they were getting the funds from?—(A.) Oh, I knew, as a matter

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“ of course, when we were low, as a member of the Executive, and any sums
 “ derived from any source, but the English organisation would be known to me
 “ as a member of the Executive. (Q.) I want to know where they came from?—
 “ (A.) As I told you, we used to receive moneys now and then from Ireland to
 “ keep us afloat. (Q.) Do you know where it came from in Ireland?—(A.) No
 “ more than it came from the National organisation.”

And so, my Lord, at this time, as your Lordship knows, taking August 1882 as about the date, the source of the money is Patrick Egan. The Land League is suppressed, and Patrick Egan is sending, as we have taken it, 72,000*l.* to the Ladies' Land League by way of Munro and Alexanders. Therefore, if money is coming (call it what you like or say, as Mulqueeny says, it came from the National organisation), it would in all human probability be money that started from Patrick Egan.

One small fact more upon this money I wish to mention. At page 5948, question 92,426, which is the evidence of Mr. Foley, you will find that he cashes a cheque for Byrne; and my friend, Mr. Arthur Russell, examining Mr. Foley, had put to him, as to the cheque, “ Was this cheque paid to Byrne ? ”

Then he proceeds at the question I have mentioned :—

“ 500*l.* was an advance made by you for the company?—(A.) Yes; and
 “ 100*l.* from, I think, the treasurer of the League, who was in Paris, I believe it
 “ was Mr. Egan, payable through the firm of Alexander in London.”

So, my Lord, we do get Mr. Egan sending money to Byrne for some purpose. This is not the same time, of course; this is later. But that was the fact. On the same point that I have just mentioned, of money being sent from Byrne to Egan, at page 5293, there is evidence of Mr. Foley. He is asked as to a cheque for 100*l.*, and at question 81,285, there is this :—

“ (Q.) Will you explain it?—(A.) I believe that the only cheque that I
 “ exchanged for Mr. Byrne is — I believe I cashed cheques for him. (Q.)
 “ What was that transaction? Did Mr. Byrne have a banking account in
 “ England?—(A.) No. (Q.) You had a banking account, of course?—(A.) Yes.
 “ (Q.) Did you receive cheques from Mr. Byrne, or this cheque, and give him
 “ in exchange a cheque of yours?—(A.) Yes. (Q.) Have you got that trans-
 “ action recorded in any way?—(A.) I think my cheque, at least the cheque, was
 “ given in here some time ago.”

The cheque was proved, as was stated. Then Mr. Reid, a little lower down, says :—

“ There is a credit entry of 600*l.* in the pass book and a debit entry on
 “ September 2nd, Byrne 100*l.*”

That is September 1882. If you look at Question 81,277 you will see the date is given as the 2nd September 1882. This is very near the point. We are dealing with transactions with Byrne in the autumn, or perhaps August, 1882, according to Delaney. On the 2nd September we have Byrne now in possession of a cheque from Egan. Then, if you will refer to page 5294, Mr. Reid says :—

“ I see, my Lords, that there is a credit entry of 600*l.* in the pass book, and a
 “ debit entry on September 2nd, Byrne 100*l.* That refers to this cheque?—
 “ (A.) Yes.

That was the Egan cheque. We know the proof was that 5*l.* of that money went to Walsh. Your Lordship will recollect that came out in Mr. Foley's evidence; but I should digress if I went into that point now.

Now, my Lord, was Mr. Egan under control as to how he spent this money? Could he spend it without being checked? On page 6198 Mr. Parnell tells you that he could :—

“ (Q.) I use a general expression—funds. Those were funds applicable to
 “ Land League purposes?—(A.) Yes, applicable to any purpose that I decided
 “ upon, or that Mr. Egan decided upon; that would be applicable, of course, to
 “ Land League purposes. For instance, we used some of those funds for the
 “ purchase of ‘ United Ireland ’.”

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Of course, as we see, Egan was sending money not only over to the head office in Ireland, but to certain persons, like Mr. Harris, who were receiving money from him, as he willed, and entirely unchecked by any control at that time. Now, again I repeat, there is this cheque of 100*l.* entered on September 2nd. Must there not have been some entry of that receipt and that expenditure? This, again, is during the period of these missing books, where we should have found what had become of that 100*l.*

Now, my Lord, I have to deal, if you will allow me, with other corroboration, as I say. In Delaney's evidence he states that the revolvers were brought over to Ireland by Mrs. Frank Byrne. There were weapons, the revolvers, the knives. I think, also, he said rifles. At page 3335 we have a statement which certainly is evidence as affecting Mr. Parnell. Mr. Parnell was speaking in the House of Commons, and he says,—

“ Thirdly, Carey swore that a woman, whom he was informed was Mrs. Frank Byrne, wife of the secretary to the English Land Confederation, had bought him weapons. That, too, is hearsay evidence.”

Now, my Lord, of course I must take that. Whilst Carey has sworn it, according to Mr. Parnell, when Mrs. Frank Byrne was brought over for identification, Carey refused to identify her. You heard what Mulqueeny said. He said, “ That was the only good thing we can say for Carey,—that he did not identify her.” But Carey had sworn it, and Delaney states the same fact. My Lord, what is the truth now? What is the truth that we know now? We have to digress for a moment, and to visit the scenes that took place in America in 1884 and 1885. Your Lordship will recollect the two dates, one of May 14th, 1884, when the people, who it is suggested were innocent, had met together to celebrate and to honour the death of a murderer, the death of Joseph Brady, whom, Mr. O'Brien says, had been rightly and truly convicted; and the second occasion was when these innocent people met together in their joy and in their glee to celebrate the fact of the death of Lord Frederick Cavendish and Mr. Burke. The first occasion we have was on May 14, 1884, the first anniversary of the death of Joseph Brady, and the second was the anniversary of the Phoenix Park murders. My Lord, there have been none held since—no such anniversary since 1885. I shall show your Lordship; but after the date of January 1886, the whole of the tactics and policy have been changed. Politics demanded other acts; but whilst there was standing hostility between all English political parties, more or less, and the Irish Nationalists, there was no cloak and no disguise upon their acts, and, as I have said, they could meet as late as the 6th May, 1885, to glory in the fact of the death of Lord Frederick Cavendish and Mr. Burke. My Lord, how did these people treat Mrs. Frank Byrne? How was that “ brave little woman ” treated, and in what did her bravery consist? The bravery that was honoured was that she took the knives and she took the revolvers that struck down Lord Frederick Cavendish and Mr. Burke, and for that the honour was given to her, and for that alone she has been held up as a heroine and as this “ brave little woman.” You will find the record of these matters at page 5733. On the 14th May, the first anniversary of the death of Joseph Brady, a meeting was held at the Cooper's Institute. Dr. Hamilton Williams was the chairman. He has given to us, he said, the only weapon.

(*The President.*) Where does this come from?

(*Sir H. James.*) This was read to Mr. Davitt. I think Sir Charles Russell asked for a portion of it to be put in. This is a statement from the “ Irish World ” :—

“ Dr. Hamilton Williams chairman. ‘ He has given to us,’ he said, ‘ the
“ ‘ weapon, the only weapon, that will be successful, and that is dynamite.
“ ‘ (Loud applause.) We can make the Government of Ireland by
“ ‘ England,’ he continued, ‘ one of the most costly experiments that ever the
“ ‘ frienzed and crazy imagination ever took in hand. (Applause.) We can
“ ‘ create such a condition of things that to every English Ministry and every
“ ‘ English official in Ireland it will be absolutely a living hell, and Government
“ ‘ will be a living death. (Loud applause). . . . and woe be to the
“ ‘ time when any of the wretched Guelphs, the Queen's sons, or the Queen herself,
“ ‘ dare to put their or her feet on the streets of Dublin. (Loud applause.) For

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“ ‘ we mean to take the avenging knife that killed Cæsar in the Senate House in
 “ ‘ Rome. (Applause.) And any man who refuses to recognise this means of
 “ ‘ dealing with the enemies in Ireland, put him outside the camp, and have no
 “ ‘ connexion with him. (Applause.) . . . Do, therefore, everything in
 “ ‘ your power to honour the memories and imitate the deeds of men who
 “ ‘ through good repute and bad repute proved a strong fidelity to principle, and
 “ ‘ knew how to die.’ I have the pleasure of introducing to you a gentleman
 “ ‘ whom you will be glad to hear. He has proven himself one of the wisest in
 “ ‘ council, one of the calmest in debate, one of the bravest that was ever found in
 “ ‘ the ranks of any revolutionary movement. I allude to Mr. Frank Byrne.
 “ (Applause.) And should I forget to mention the name of Mrs. Byrne?
 “ (Applause.) A woman who shows she is as true as steel to all those heroic
 “ ‘ ideas of womanhood which typify the feminine character of Ireland.”

My Lord, I wonder what Irish women will say to that? The only heroic act this woman has ever done was to supply the murderers with weapons to take the life of somebody, as was intended, and in the coldest manner, with no hate in her breast against anyone, no such human passion that sometimes, if it cannot justify, may mitigate the extent of crime, she starts on her journey with these weapons tied round her neck, in order that murder by the help of her hand may be committed; and thus she stands before these people who were cheering her as the heroic woman whose ideas of womanhood typified the feminine character of Ireland. My Lord, I have not quoted this except to show where was the strong corroboration that she had done something. Has anyone suggested she has ever done anything else on behalf of revolutionary ideas or anything that even fiends may call heroic, save this act in connexion with these Phoenix Park murders. Yet she stands praised as being the person who had so acted. My Lord, I do not know that on this point I need read on to show that here there was praise of Joseph Brady, mingled with the admiration for the heroic acts of Mrs. Byrne.

My Lord, I am endeavouring to place before you the exact reference to the meeting of the 6th May 1885. You will find reference to it in Mr. Parnell's evidence.

(*Mr. Justice A. L. Smith.*) At page 4116 you will find it.

(*Sir H. James.*) He says he has heard of it and he knew of it. There was a little confusion between the two statements. This is the one he speaks of. It is at the conclusion of page 4116 he says he heard of it. We shall know what he did hear. That is Mr. Parnell's knowledge. Will you allow me now to refer you to what it was he did know, in fact. That appears at page 5738.

(*The President.*) What do you say appears there?

(*Sir H. James.*) The account of what Mr. Parnell is referring to, namely, the banquet of the 6th May, 1885.

(*The President.*) What question?

(*Sir H. James.*) It begins at question 88,853:—

“ I call your attention to a report of the Phoenix Park Martyrs on the
 “ 6th of May 1885. I only wish to remind you of one or two incidents here
 “ reported. Did you know of a testimonial being presented to Mr. and
 “ Mrs. Frank Byrne?—(*A.*) I have read of that. (*Q.*) Who is Mr. Austin
 “ E. Ford?—(*A.*) Austin E. Ford is the nephew of Patrick Ford. (*Q.*) Is he
 “ connected with the ‘Irish World’?—(*A.*) Yes; not now, I think. (*Q.*) Was
 “ he in 1885?—(*A.*) Yes, he was at that time. He is editing a paper called
 “ the ‘Freeman's Journal’ in New York now. He was connected with the ‘Irish
 “ World’ at that time?—(*A.*) Yes. (*Q.*) I see Mr. and Mrs. Arthur Forrester
 “ are reported to have been present. Mr. E. J. Rowe, and a number of other
 “ names. I call your attention to the report of what Frank Byrne is reported in
 “ the ‘Irish World’ as having said on that occasion, at that meeting of the
 “ Phoenix Park Martyrs Memorial. Mr. Austin Ford, the gentleman who is on
 “ the ‘Irish World’ staff, commended to their warm reception—

“ Mrs. Frank Byrne, I ask you, Mrs. Byrne, to receive this testimonial
 “ (handing the lady a well-filled purse) as a token of the esteem that the men of
 “ to-day hold you in. Mr. Byrne said: The blow inflicted on England in the
 “ Phoenix Park three years ago was the greatest since Bryan smote the Dane at
 “ Clontarf.”

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My Lord, is not it terrible to read these things?

“It was the first time in the history of the English connexion that English men were taught that if they meant to come to Ireland and to continue to oppress the people, they would do so at the peril of their lives. Two men of the Irish Army met and killed two men of the English Army. The doctrine that the rifle alone will free Ireland is dead. The doctrine that the rifle, supplemented by modern improvements, will free Ireland is alive.”

One would have thought that Irishmen had some bravery in their composition, and I still think so. It would have been well that even this assassin were told the truth when he speaks of men meeting the Army; that some six or eight strong men, and all armed, met two unarmed men and killed them. That is what they call fighting—“Two men of the Irish Army fighting two men of the English Army.” Then, my Lord, we have not to deal as, perhaps, one naturally would, rather warmly on the subject, but to look into these facts for corroboration. Now, is it true or not that Byrne had taken some part in the assassination of Lord Frederick Cavendish and Mr. Burke? Is it true that Mrs. Byrne had found these weapons, and, I presume, if she did, it was with the knowledge and acquiescence of her husband, and if that be the case, is it not now certain that the money did not come from Mr. Frank Byrne’s own resources—impecunious and needy as he was—but came from the same source where he had obtained other money from, and that source we know is what is termed the National Organisation.

My Lord, the matter as to corroboration does not rest there. These weapons that Mrs. Byrne produced, that we have known to be knives, and we have known to be revolvers, where did they come from? We learned where they came from by the evidence of Mulqueeny. It is at the same page I have already referred to; you will find the statement of his evidence that I am mentioning at page 3593:

“(Q.) Did Byrne ever show you any arms?—(A.) Yes. (Q.) I will ask you “first what were the arms Byrne ever showed you——”

He shows a revolver, which is a very harmless matter, and nothing to do with this inquiry—a pistol that Mr. Redmond had.

“What Byrne showed you as being given by Mr. William Redmond for safe keeping, was it an old or a modern one?—(A.) It was an old one. (Q.) Try and fix that as nearly as you can?—(A.) I fix it by the fact that Mr. Redmond went to Australia about that time; that is the only way I can fix it. (Q.) You cannot fix it nearer than that?—(A.) No. (Q.) Did Byrne show you more than one revolver?—(A.) Yes, three, I think. (Q.) Do you remember what sort of revolvers they were?—(A.) Yes. (Q.) Do you remember whose make?—(A.) Yes, they were Colt’s double action pattern revolvers. (Q.) Do you remember how many barrels?—(A.) I think six. He also told me, if I remember rightly, where he bought them. (Q.) Where did he buy them?—(A.) Well, in my memory he bought them at the Co-operative Stores, or they were bought there if he did not buy them there. (Q.) Do you remember the date of the Phoenix Park murder?—(A.) Yes, I know it very well. (Q.) Was it before the Phoenix Park murder Byrne showed you these revolvers?—(A.) It was before. (Q.) Do you remember how long before?—(A.) I could not say. I saw the revolvers with Byrne on one or two occasions. I do not like to mix up one occasion with the other. (Q.) Did he ever show you anything else beyond revolvers—any other weapons also—did he ever mention to you any other weapons?—(A.) Well, unfortunately he did. (Q.) What weapons did he show you?—(A.) He showed me a brown paper parcel. (Q.) Where?—(A.) I was in the office of the ‘National League,’ 9, Bridge Street, Westminster. (Q.) That is Palace Chambers?—(A.) Palace Chambers. (Q.) A brown paper parcel?—(A.) Yes. (Q.) Did he tell you anything about the contents?—(A.) He showed me the contents. (Q.) What were they?—(A.) He showed me part of the contents, at all events. (Q.) What was in the parcel?—(A.) There were knives in the parcel. (Q.) Did he tell you who had bought the knives?—(A.) No, I made the remark. (Q.) What remark did he make?—(A.) The remark he made was that the doctor had been buying some surgical instruments. (Q.) The doctor, or a doctor?

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“ —(A.) The doctor. (Q.) Who did you understand when he said the doctor?—
 “ (A.) I would like to qualify my answer. I would not swear that he said ‘a’
 “ or ‘the,’ but I thought it was ‘the,’ because I have come to the conclusion who
 “ he meant. (Q.) You concluded from what he said at the time it was somebody?
 “ —(A.) Yes. (Q.) Who did you conclude it was?—(A.) I concluded it was
 “ Dr. Hamilton Williams.”

Your Lordships will recollect he was standing at this anniversary meeting by the side of these people.

“ How long before the Phoenix Park murder was it this brown paper parcel
 “ was shown to you, and Byrne said a doctor had been purchasing some surgical
 “ knives, or the doctor said he had been purchasing some surgical knives?—
 “ (A.) I could not fix the time nicer than this, that about that time Thomas
 “ Tynan and Byrne had a quarrel—it was on St. Patrick’s Day. Tynan was
 “ wearing an orange lily in his vest, and he walked into the National League, and
 “ Byrne rounded on him, and said he had no right to come there wearing an
 “ orange lily.”

Then, I think, we have this fixed as nearly as possible as St. Patrick’s Day, the 17th March, when that was seen.

Now, my Lord, we are going by steps; now you can see why it was Frank Byrne received this ovation, and received this loud applause as he did. There was one other matter in respect to the receipt of money which I say is in corroboration of Delaney’s statement. Was it unlikely that money would come from Egan to these persons who were committing, and did commit, these assassinations? I am sure your Lordship will recollect the evidence that was given by the witness Farragher. The evidence was given at page 2026 where the witness, who had been a clerk in the Land League office, says that he had been in the habit of carrying messages for Egan, and then he says that he took letters to James Mullett, 4, Dorset Street.

“ (Q.) Have they or have they not sometimes contained money?—(A.) Yes.
 “ (Q.) In what shape was the money?—(A.) Cheques.”

The date, as far as he could recollect, would be about the autumn of 1881, or about July of 1881. He speaks of going there several times, and I think he puts the number of times that he had taken money as being two occasions at least. Money passing from Egan to Mullett we know not with what object, Mullett one of the condemned murderers, money passing from Egan to Carey, promises of money—I think, my Lord, it will be found so—I do not say as far as the documents show—for an innocent object, at the same time such was the communication between Egan, this man who has departed from the jurisdiction, and at least two, Carey and Mullett, that money was passing from him to both of them, and therefore it is not improbable that Byrne who did receive money from Egan also should be made the medium of communication and bring money also from the same source to the same persons. This proposition I put to you as being one that is full of importance. As I am dealing with this man Farragher for a moment, his evidence is attacked, attacked after he has given his testimony, of course, on the ground that he was a dishonest man, and as it was suggested that he had dealt dishonestly in the matter of his position as clerk in the Land League office. Dr. Kenny, whose manner of giving his evidence I am not going to criticise now, your Lordships will remember it, speaking of this man Farragher, says his evidence is not likely to be true, and he says, “I say the face speaks for itself, I think it is as false a face as a man ever had, that is what I mean by it,” and there is also the statement, I think, in respect of some postage stamps—I beg your Lordship’s pardon, this comes in intermixed very closely, and I am told it refers to Le Caron and not to Farragher. What Dr. Kenny spoke of in respect to Farragher was a transaction with regard to some postage stamps, but, my Lords, it is odd that with this view that Farragher was not to be believed on account of his dishonesty, that in March 1888, and therefore long before the evidence had to be dealt with, Dr. Kenny gave this man Farragher a testimonial in which it is put to him that he spoke of him as a thoroughly honest straightforward hard-working man, and then, my Lords, it is he says “I had forgotten about the suggestion about the stamps.”

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[Continued.]

I will not go further into detail, but if your Lordship refers to Farragher's evidence, you will find in addition to the page I have given you, at page 2032, he speaks of other money coming from the Land League office.

Now, my Lords, I have pointed out some of the corroborations at least of this man Delaney, and I would ask you also, as far as you think it would be evidence, to refer to Carey's statement, which I have mentioned to you, and which is in your Lordship's note as also supporting the evidence of Delaney.

I have now to deal with another matter that occurred after the Phoenix Park murders were known, and I have to show to your Lordship how the conduct of those to whom this inquiry at this moment is being directed shows that they were in connexion of some kind with these murders, or in sympathy, at any rate, I ought to say. I have no doubt that when these murders were made public on the evening of Saturday, the 6th May, the knowledge of them reaching this country late at night, that men stood aghast; and among those who stood most alarmed by the transaction probably would be Mr. Parnell, and those who were immediately connected with him. Your Lordships must recollect the state and condition that Mr. Parnell was placed in at this time. I would avoid referring to political matters as much as I can, but this is part of the history of the transactions that had been happening, the Kilmainham treaty had been made, Mr. Parnell had been released with the intention of further communication and action in common with the Prime Minister. That being his act, and such being his intention, of course the striking down by the murderer's hand of one so closely connected with the Prime Minister, one whom everybody knew was regarded with feelings of sincere affection by Mr. Gladstone, rendered Mr. Parnell's position untenable for the time. If he had to answer in any way, directly or indirectly, for the acts of the men who, in Phoenix Park, had committed these murders, it would, of course, render any continuation of his action and position impossible and untenable, and so, my Lords, I have no doubt this came as a severe blow, this death of Lord Frederick Cavendish, for the reasons I have given—came as a severe blow to Mr. Parnell; it stood in the way of his action and policy, and manifesto which was issued, reference to which I will make in a moment. Without doubt I regard as sincere, the expressions, on the part of those, it may be, connected with Mr. Parnell, certainly on the part of Mr. Parnell, on the death of Lord Frederick Cavendish. My Lords, at that moment the act stood to the knowledge and belief, so it is said, of those who are expressing this opinion as the act of unknown persons; the act says, Mr. O'Brien, at page 4701, of some Americans who had gone away and disappeared; thought, someone says, to be mere passers by—that was Mr. Egan's account,—mere passers by—ostensible account; but, my Lords, of course hours or days may bring greater knowledge to those who have means of knowledge, and the first sign you have of any change of action in this matter is Mr. Egan's telegram, in which he protests against the Land League money being used to detect the criminals, at page 3392. It appears in the "Freeman's Journal," on the 10 May, 1882:—

" Mr. Egan, the treasurer of the Land League has telegraphed the following
 " to the 'Freeman's Journal' of Dublin, to-night: — 'Editor, "Freeman,"
 " 'Dublin. In the "Freeman" of yesterday, Mr. James F. O'Brien suggests
 " 'a reward of 5,000*l.* out of the Land League fund for the discovery of the
 " 'perpetrators of the terrible tragedy of Saturday. Remembering, as I do, the
 " 'number of innocent victims who, in the sad history of our country, have been
 " 'handed over to the gallows by wretched informers in order to earn the coveted
 " 'blood-money, and foreseeing the awful danger that, in the present excited
 " 'state of public feeling, crime may be added to crime by the possible sacrifice
 " 'of guiltless men, I am determined that if one penny of the Land League fund
 " 'were voted for such a purpose, I would at once resign the treasurership.' "

My Lords, I ought not to draw too certain an inference, or to attempt to draw too certain an inference, for the purpose of submitting to you, from the terms of that letter, but my Lords, if it be that Byrne had received money from Egan, if Egan had knowledge of the act of the person he addressed as "My dear James," or of Mullett, to whom he had already given money, how could he stand by and let those men be aware that he was willingly paying money, 5,000*l.*, out of the funds at his disposal for their detection.

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[Continued.]

If he had done this act, what would have been said of him in the language of men who justified a woman letting her innocent child go to the scaffold lest he turned informer? What would be said of this if it be true, I put it hypothetically, that he who had taken part in these transactions, was then finding 5,000*l.* to detect the men who had acted, let me say generally, as second to him, and so the first note naturally comes from Patrick Egan of showing dissent to the action being taken for the detection of that murder. We have, my Lords, one other expression of Egan's views, I may as well read it, at page 3391. It appears that this is what would appear in America. It is a qualified condemnation:—

“ We are all horrified at the awful tragedy of Saturday night. We condemn
 “ and deplore it in the strongest manner, and can only account for it as the
 “ terrible result of the brutal tyranny practised in Ireland during the past seven
 “ months—a sample of which we had only on Friday last, when seven helpless
 “ and unoffending children were mercilessly mangled by the police buckshot at
 “ Ballina, Co. Mayo.”

My Lords, that is a term you may give to regrets, and if it be true that you may condemn by faint praise, it is doubly true that you may praise by faint condemnation, and this telegram, the stress of which is an attack upon the police, would have conveyed to American sympathisers, to the men who stood by Mr. and Mrs. Byrne in 1884 and 1885, that Mr. Egan's heart was not very much in the condemnation expressed against this act.

My Lords, I next have to deal with this sickening matter to which I have already adverted, and that is the sympathy expressed by the organs of the Land League with the murderers. Your Lordships will remember the evidence we have, to which I will give you the reference in a moment, I think it is at page 5613, that public opinion was being watched, and that it surprised the leaders that English opinion was showing itself as just and not revengeful in respect of these murders, and this was an opinion which was carefully watched for political action. At page 5613, Mr. Davitt is asked at Question 86,892, towards the end of the page:

“ (Q.) Subsequently, I think in October of that year, you again pressed him,
 “ and he upon certain conditions agreed to call a convention to consider the
 “ feasibility of starting what was called afterwards the National League?—
 “ (A.) Yes, by that time the feeling raised in England by the 6th of May tragedy
 “ had considerably gone down, very much to the credit of the English people, and
 “ there was a widespread desire in Ireland to carry out the movement of land
 “ reform. I put my proposition to Mr. Parnell, and he agreed to call a conference
 “ upon these conditions.”

And, my Lords, so it was, that whilst I have taken the manifesto of the 6th May as expressing Mr. Parnell's views, so also it was that the state of public opinion was carefully watched, and was dealt with according to the nature of that opinion, and then your Lordships will recollect that the theory of passers by on American murderers was vanishing, because certainly after January 1883, and more particularly after the 26th February 1883, it became apparent that the persons who had committed this murder were no casual passers by from America, but they were the associates, the intimate associates, of Patrick Egan. Carey and Mullett stood there upon their trial, Sheridan, Walsh, organisers of the Land League, had fled from justice; Egan and Brennan had also gone, and then, my Lords, you have those sickening statements of the organs of the Land League.

I have in other regard mentioned this phase of the case, and I do not wish certainly a second time to refer in detail to those matters, but will you generally let me mention the statements. In “United Ireland” of the 26th May 1883; the page of that is 4726; I am not about to read it in detail; I have read it; it is the article which commences:—

“ As the Strangling Commission is over, prayers for the brave one.”

Then, my Lords, we have “United Ireland” saying:—

“ The cry for more rope has been answered, and two more of our country-
 “ men have died on the scaffold.”

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[Continued.]

Your Lordships will also recollect the communications for money were not for the men who had pleaded guilty, or their families, but for the families of those who died. You will recollect how the pæan of triumph was joined in by the "Irish World" saying on the 23rd June, from an Irish point, that the taking off of Cavendish was an execution, not a murder. There are two references still more direct, but which I have not yet read to you, the very words, the utterances, of Mr. Egan on the 16th June, when the execution had taken place. This is how Mr. Egan spoke of the murderer, rightly convicted, according to Mr. O'Brien, at page 2216. Speaking at the Convention at Chicago:—

"The hangman has had a busy time in Dublin. The cry which has for some time past resounded through England, 'More rope for England,' has been answered, and two more of our countrymen have died on the scaffold. One of them—poor Daniel Curley—"

A murderer who had been executed.

"Poor Daniel Curley—I knew long and well, and I can say with truth, that a more sterling patriot never died for Ireland. I do not believe that these men were guilty of the charge for which they suffered. Certain it is, they were not fairly convicted."

But as I said to your Lordships before, the sterling patriot was a patriot, not because he was wrongly convicted, but he was a patriot because he committed this murder, and that is the way Mr. Egan, looking back on the history of Ireland, in which there are chapters enough to show that men can be brave at least, and men can be, according to their views, patriotically selected from that history as the most sterling patriots, the cowardly miscreant who had stabbed an unarmed man to his death, and that is the man who Mr. Parnell says he has still full and complete confidence in.

My Lords, one other testimony Mr. Egan has to give, and that is as to another of these murderers, as to Mullett, at page 4114. Mr. Egan, in the "United Ireland," on the 23rd March 1883, expressing his views as to Mullett, says:—

"I know Mullett, personally, as a man of sound business principles and integrity of character."

And so, my Lords, he has to express his belief as to whether he would think he was guilty or innocent—does he say he was innocent on account of his character, not at all; he says:

"I do not believe he has turned informer."

That is the only expression of opinion that Egan can give of the man who he wishes to show is possessed of a high principle of integrity. He does not say that he is innocent of the murder, but that he has not turned informer. One other reference to Egan—I have had a difficulty in finding it—and I am afraid at this moment I cannot give you the exact words that were used, but I can refer to the words which were put to Mr. Parnell in cross-examination at page 4157.

At page 4157 there is a quotation put by the Attorney-General of a letter from Egan, Q. 61,778. Your Lordship will recollect it:—

It seems when the Martyrs Fund was started, and when a fund for the families of those convicted of the Phoenix Park murder were started, Mr. Egan had agreed in that view "as an incentive to others to do likewise."

My Lord, I read of course—it is but right I should read—Mr. Parnell's view that that was an incentive to others to subscribe. Well, that is not the reading, I think, of that letter. I would not wish to put this too high—it may be I am wrong in this. It is very disjointed, and it may be it is not a reference even to a letter.

(*The President.*) You are quoting from the papers?

(*Sir H. James.*) I was. A letter appeared in the paper. Therefore, I think I ought to deal with that. I think it was referred to by the Attorney-General in his opening. But I do not find any other reference to it. Therefore, I ought to speak of it lightly.

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[Continued.]

My Lord, one other matter in this regard. I wish to point out to you a matter also that was brought to Mr. Parnell's knowledge. You have heard during this case many explanations given of acts that appeared to show sympathy with crime, to the effect that they were acts of charity. Mr. Davitt suggested, like medical assistance to wounded men——

(*Mr. Davitt.*) It was Mr. Ferguson.

(*Sir H. James.*) Or that they were acts to the families of those who had suffered outside. Why should we withdraw charity from those who are suffering from the acts of others? On all these general points we agree. But will you note, that here we have traced that the sympathy was not with those who were left behind after justice had had its way. The sympathy was with those who had committed the crime. Because in respect to these, if your Lordship will recollect, that Patrick Ford—this man of whom Mr. Davitt and others have kind words to say—this model Christian—this model Christian, full, as it is said, of his humanity and philanthropy, came to the conclusion that this money that was subscribed should go only to the families of the men who had stood their trial and had pleaded not guilty; and that the families of the men, had they starved, or had they never so much want, who had pleaded guilty, and not stood their trial, that they should not have one farthing given them of that sum. That appears, my Lords, at page 4115. What is the meaning of it? The families of the men who had stood their trials should be paid, and the families of the men who pleaded guilty shall have not one farthing. That is, my Lord, punishment following upon the innocent, and also example for the future. You shall have our sympathy when you commit crime, and when you give no information, and when you stand your trial. You shall have no sympathy, if after your crime has been committed, you should ever feel one trace of repentance, and admit the truth of the charge against you. It is true—again I wish to keep within the accurate statement—it is true that Mr. Parnell now says he disapproved of it. He knew it, and he disapproved of it. It would have been far more important if that disapproval had been expressed at the time the action was taken, instead of in the witness box. But from all those who contributed to the fund, from all those who knew of its division, there seems to have been, as far as I know, no dissent from the action of Mr. Ford. And as I have said—and I do not desire to repeat it unnecessarily—that act created not the slightest dissent from the high estimate in which his regard for humanity has been held.

I think I have passed over the events of this murder, and the sympathy that has been shown. And only one matter is left to be dealt with, and as it has occurred after these murders, I have postponed it. It is matter that is germane to the inquiry as to the Phoenix Park murders, because it is connected with Byrne's flight. There is a passage that appeared in *Parnellism and Crime*, in which it says that "an opportune remittance and cheque of 100*l.* from Mr. Parnell gave Byrne the means of flight." Will you see how that matter stands now; I am willing to a great extent to accept the evidence which has been placed before you. May I remind you that on January 20th, Egan learns how Farrell's evidence is stated. And Byrne becomes alarmed, and Byrne at that time was, he appeared to be, according to Mulqueeny—in a state of impecuniosity. Now the question arise, did he receive that sum of money? *Parnellism and Crime* stated that he did receive a cheque from Mr. Parnell; and if there has been any cause of complaint of Mr. Parnell of that statement, and if there has been any justification of my friends, numerous charges against the representatives of the "*Times*," alleging that they ought to have retracted suggestions, I will ask you after hearing what I have to place before you to say—or let any one say—whether Mr. Parnell's own want of memory has not been the cause of much that has occurred? When this matter was mentioned, Mr. Parnell dealt with it. May I read this statement to you at page 2939; he refers to it specifically. It is the speech that he made in the House of Commons on the 28th April 1887. What I am reading is about twelve lines from the beginning of 2939.

"He says, 'Mr. McSweeney will also have informed you that I received the 'promised cheque, 100*l.*, from Mr. Parnell, on the day I left London.' Now, 'I did not know Mr. Frank Byrne was going to leave London when he did. 'I certainly never gave Mr. Frank Byrne a cheque for 100*l.*, or any money

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“ whatever, during the whole course of my life, save once many years ago—it
 “ must be 10 or 12 years ago—at the time Mr. Isaac Butt was alive. A testimonial
 “ was got up for Mr. Frank Byrne, then an officer of the Home Rule Confedera-
 “ tion of Great Britain, because he had fallen dangerously ill, and it was thought
 “ likely he was going to lose the sight of his eyes. I subscribed some small sum
 “ on that occasion. That is the only sum I ever paid to Mr. Frank Byrne.
 “ My memory is perfectly clear and distinct on that, and as to the cheque for 100l.
 “ I certainly never paid him that or any sum of money at all. My honourable
 “ friend the member for Londonderry (Mr. Justin McCarthy) will tell you that it
 “ was he who paid Mr. Frank Byrne the 100l. cheque on the day he left, innocently,
 “ and in the ordinary course of his duty as President of the National League.”

My Lords, I would, if I could, put in parallel columns, or put first in one column, that statement of Mr. Parnell, after time for reflection, his own statement, perfectly clear and distinct, “ That that cheque of 100l. I never paid him, or paid him any sum “ of money.” Now, I wish to put side by side with that, if you please, the evidence Mr. Parnell has given in this Court. It is in Mr. Parnell’s own evidence. The reference is at page 3927–8. At page 3927 Mr. Parnell speaks of receiving a letter from Mr. Frank Byrne.

“ (Q.) Did you, towards the end of December 1882 (fix the date if you can),
 “ receive a letter from Frank Byrne?—(A.) Towards the end of 1882 I received a letter
 “ from Mr. Frank Byrne. (Q.) This is the one which you have, and which you have
 “ disclosed, I believe, in your affidavit of documents?—(A.) Yes. (Mr. Asquith.)
 “ Your Lordship will see it purports to be dated the 1st of January 1883. Your
 “ Lordships have the copy before you. (Q.) Mr. Parnell, you had better look at
 “ it. I do not suppose you carry it in your mind?—(A.) Yes, this is a copy of a
 “ letter that I received from Mr. Frank Byrne. (Q.) If you will look at the
 “ first words you will see that it refers to a previous letter having been written
 “ by him to you. Had you received a previous letter from him?—(A.) I had not
 “ as far as I recollect. (Q.) You do not recollect having received a previous
 “ letter?—(A.) No. (Q.) Have you searched for it and been unable to find it?—
 “ (A.) I have not been able to find any other letter at that time, or, indeed, any
 “ other letter from Byrne. That is, under date of the 6th January 1883.”

Then a little lower down—

(Q.) “ Have you any other letter of Frank Byrne’s?—(A.) No, the letter was
 “ dated 1882 by mistake for 1883, being at the beginning of a new year. (Q.)
 “ Yes, as we know. It is so with another of his letters about the same time?
 “ —(A.) That is the letter which was disclosed. (Q.) This is the one of course?—
 “ (A.) Yes. (Q.) I was asking you had you on any of these occasions before this
 “ received any application from the British Land League for advances or gifts of
 “ money?—(A.) I had not myself personally, because I had been in Kilmainham
 “ all the time, or most of the time during which some of the advances were made.
 “ I presume that previously the applications would have been made direct to the
 “ Land League.”

Then at page 3928—

(Q.) “ Had you received prior to the writing of that letter of the 23rd January
 “ a cheque for 100l. from Dublin?—(A.) From Mr. Alfred White, I recollect it
 “ now. (Q.) Was Mr. Alfred White the treasurer, or one of the treasurers of the
 “ Irish National Land League?—(A.) He was. (Q.) And is still?—(A.) Yes.
 “ (Q.) And did you hand that cheque to anybody, and to whom?—(A.) I do not
 “ think Mr. Alfred Webb is still treasurer. (Q.) I may be wrong?—(A.) Yes, I
 “ handed that cheque. I enclosed it, as my recollection serves me, in a letter to
 “ Mr. Frank Byrne, which I handed to Mr. McSweeney, who was in charge of the
 “ office, and had been in charge for some weeks as Mr. Byrne’s *locum tenens* in
 “ consequence of the latter’s illness. (Q.) By the office you mean the office of
 “ the British Land League in Westminster?—(A.) Yes, quite so. (Q.) Now,
 “ Mr. Parnell, at the time when you handed this cheque to Mr. Byrne, had you
 “ any knowledge or suspicion that Byrne had been implicated in any way in the
 “ Phoenix Park murders?—(A.) Not the slightest.”

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[Continued.]

My Lords, there is the further evidence now from Byrne himself, that he received the promised cheque from Mr. Parnell on the day he left London. And I will give you the reference to Mr. Parnell's further statement, that that money was given to Mr. Byrne on the day that he left London, or the day before he left London. Well, now, my Lord, may not I say that it is some evidence to us that Mr. Parnell's memory at least, is not always a memory that can be trusted. He has many matters passing through his mind—I will put it in that way—and certainly the statements he makes, are not always founded upon accuracy of recollection. And you will see, in this instance, how it is his positive view that he had not given this money to Byrne, but that it had been given by Mr. Justin McCarthy; the result is, that Mr. Justin McCarthy is called as a witness of Mr. Parnell's to say it, and then Mr. Justin McCarthy has to go into the witness-box and say he is mistaken too.

At page 5013, Mr. Justin McCarthy states that the cheque that he was speaking of was quite another cheque, and was not this cheque at all.

It is put to Mr. McCarthy by my learned friend Mr. Reid :—

“ I must ask you about a cheque for 100*l.* given to Mr. Byrne by Mr. Parnell.
 “ I believe, without going into your statement in the House of Commons, you
 “ gave some explanation in the House of Commons that you had changed that
 “ cheque against some other smaller cheque?—(A.) Yes, I made this mistake, I
 “ was in the habit of——

Then the President stopped him, and said :—

“ We will have the explanation afterwards; be good enough to give us your
 “ account of the transaction?—(A.) The actual point was this :—Mr. Byrne kept
 “ no banking account; we had no banking account; and, for a long time he
 “ brought me all the cheques we wanted changed. I passed them through my
 “ bank, and I gave him my cheque for the amount. On this one particular
 “ occasion Mr. Byrne had applied for leave of absence because of his ill health,
 “ and he had a medical certificate of his ill health, and he was to go to Cannes for
 “ a day or two, and before he left he came to where I was then living, and
 “ wanted to see me. I was busy, and could not see him. He sent me in a cheque
 “ which he had received from Dublin Bank, from the National League, in
 “ Dublin, for 100*l.*, I sent him out my cheque for 100*l.* on my bank, and sent
 “ his cheque to my bank afterwards.”

Of course, that was not giving Byrne the cheque that Mr. Parnell had sent him. But this is another and difficult explanation. Still, as to the substance of the matter, you had evidence that the money that was sent to Mr. Parnell came from the National Land League, in accordance with a request. I say at once that evidence is on your Lordship's note, and there is no means of dispossessing your note of that evidence, and it stands where it is. But the point now, where the charge goes so strongly, is, that it was the day of the flight of Byrne that the 100*l.* was given from the hands of Mr. Parnell, which now has been admitted to be the truth. The word “opportune” was used, and that was all. It was a matter, and most certainly is a matter which I say, most certainly requires the fullest explanation. For two reasons. There is a statement by Mr. Parnell that he had received 100*l.* through Mr. McCarthy—and Mr. Parnell says that is now true—on the day he left London. There is Molyneux's evidence, given to you at page 3995, where he says that the letter had been produced, where Mr. Parnell has given a cheque for 100*l.*, and that was given first to Quinn. But this is the cheque that was given into Byrne's hands; so the fact is—I am not going to dispute the exact meaning of the word “opportune”—that while Mr. Parnell thought nothing of the kind has occurred, the statement made in Parnellism and Crime is correct as to the fact. The meaning of the word “opportune” is a quite different matter.

(*The President.*) Is not that the all-important question what was the suggestion of the word opportune.

(*Sir H. James.*) As I have stated to your Lordship, I am not now going to say that is in doubt that the money came from the Land League in accordance with Byrne's letter. I am rather justifying the criticism applied to the facts, on the facts stated, when Mr. Parnell denied it, and the fact is afterwards proved to have taken place. I am not going further.

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[Continued.]

Now I have to conclude all I have to say to your Lordships in respect of these Phoenix Park murders. There is a document which I regard as a document full of importance. It is a document that is on your Lordship's note in full, but has not, I think, been read—the portion at least that I desire to call attention to. I make no comment upon that fact. It is not my manner, of course, to suppose that counsel ever omit reading portions of documents; and I am sure my friends do not, because they think it is not favourable to their view. Counsel ought to read that which they desire to call attention to, and I have nothing whatever to say about this portion of the document I am now calling attention to, not being read. You will recollect that on the fact of the murders in Phoenix Park coming to the knowledge of Mr. Parnell and others, that what has been termed a manifesto, denouncing and condemning the murders was issued by Mr. Parnell, Mr. Dillon, and Mr. Michael Davitt—a document that appears on page 3736. And you will note that in that document a strong condemnation in its terms of the unprovoked assassination of a friendly stranger. And also the statement that until the murderers of Lord Frederick Cavendish and Mr. Burke are discovered, that stain will sully our country's name. There is really, I think, a strong condemnation in its terms of the Phoenix Park murder. Well, the word stranger is used about the murders of both Lord Frederick Cavendish and Mr. Burke. And it was intended to be published to the people of Ireland. In a few days after that—the 10th May—Mr. Davitt, who had been released from imprisonment, wrote a letter to the “Standard” newspaper. Will you forgive me if I interpose a word or two, before reading the portion of the letter I wish to read, to remind you of what is the position that many loyal men had taken up in respect of the conduct of the Land League—the position that was taken up by those who criticised them in the House of Commons, and the position that has been taken up by the counsel for the “Times” during this Inquiry before you.

My Lords, I will not, of course, recapitulate. I will only remind you that it has been urged that those who were the sole power and created power ought to have exercised it—exercised it in the direction of staying the crime that their conduct had called into existence; that they could have stayed it, and they did not. And therefore the responsibility of that wilful omission rests upon them perhaps in an equal degree as if their sins had been sins of actual commission. I would remind you only that Mr. Davitt had the knowledge of what was occurring in October 1880, had asked for intervention—intervention of the great power of Mr. Parnell, and the opportunity was not afforded Mr. Parnell to stop this crime, because he had not arranged for any other speeches at that time. And from that time until he is arrested—till Wednesday 13th October—we can find no trace of any intervention on his part to stay in one degree the existence of crime that was taking place in Ireland.

Now, my Lord, I have two witnesses to place before you to support that case. I know the view that Mr. Davitt entertains of the degree of the crime of him who shall bear testimony, be it true or false, against his neighbour. Your Lordship has heard the statement to which that canon of Mr. Davitt's judgment can be carried, when he approved of the conduct of the woman who let her son die on the scaffold sooner than the guilty man should suffer. I call Mr. Davitt as a witness against his colleagues. He stands in the position of bearing testimony against them, testimony that I submit to you is a truthful testimony. His words shall be more telling, more efficacious, than any argument of mine has been, or can be, when it is suggested that his associates could have stayed this crime, but did not.

My Lords, I will read Mr. Davitt's words. If Mr. Davitt wishes the whole letter read, I will ask one of my friends to read it. It may be he would wish the context to be read, but I will read the portion that has not been read:—

Says Mr. Davitt:—

“ You next call upon my friends and myself to employ our recovered liberty,
 “ to give the world solid and unanswerable guarantees of the loathing with which
 “ we regard all forms of outrage, by making a fresh pilgrimage through the
 “ country, and to never desist from denouncing assassination until these hideous
 “ crimes are exorcised from the land. I agree with you, sir, that such a
 “ pilgrimage ought to be made even now. Had it been made before, it is my
 “ firm belief that the terrible tragedy of the Phoenix Park, and many another
 “ tragedy, which, though it has not attracted so much attention, has wrung heart-

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“ strings as bitterly, would never have occurred. Why have there not been such pilgrimages? Let the facts answer, so far, at least, as I am concerned. From the first initiation of the Land League I warned the Irish people against outrages as the greatest danger of the moment.”

What words have I used, advocate as I am for the “Times,” that are half so strong as the words of Mr. Davitt—I can neither imitate their force or approach their eloquence—against the men whom he had called into existence as a power; the men with whom he has associated. The men whom he had to a great degree—and very great—assisted by his council; he stands here a sincere witness, and tells your Lordship that if they had acted as they could have acted, and used their power, the death of the men in the Phoenix Park murder would never have occurred, and those equally, as he says, bitter acts wringing the heart-strings of men and women in Ireland, would equally have been events that never could have been placed to the page of Irish history.

My Lords, there is the accuser. Mr. Davitt stands before you. What is Sir Charles Russell saying when he tells you the “Times” is carrying out an impossible policy in attempting to indict a nation; for these people represent the Irish people as Mr. Davitt regards them. I presume they represent the Irish people. They stand by Mr. Davitt’s side, and he turns, not to his enemies, but he turns to his friends, and says: “If you had done as I had told you, if you had made that simple pilgrimage denouncing assassination, these murders never would have occurred.”

(*Mr. Davitt.*) My Lord, in justice to Mr. Parnell, and to those who are not here, through this dealing with my letter, I would kindly ask you for permission for the whole letter to be read.

(*Sir H. James.*) I suggested that, and I could gladly accept it, that that course should be taken. Mr. Davitt interrupted me, but I have one or two words to say before it is read.

(*Mr. Davitt.*) I beg your pardon, I thought you had finished.

(*Sir H. James.*) I am sure that it was not any want of courtesy, but perhaps the better way would be to have the letter read, as Mr. Davitt wishes it. Perhaps your Lordship would allow my friend to read it.

(*Mr. Askwith.*) On the 10th of May Mr. Davitt wrote to the “Standard” this letter:—

“ Sir,—The admirable temper that has marked your language since the horrible occurrence of Saturday last convinces me that any reply I may make to the question you address to me in your leader of this morning will receive a fair hearing. Believing this, I would feel that I was neglecting a duty to myself and an opportunity of vindicating, to the best of my ability, the land movement in Ireland, if I permitted your remarks of to-day to pass unanswered. For the opinion you express of the sincerity of my condemnation of the murders that have existed, your just indignation, and for your belief that Mr. Parnell, Mr. Dillon, nor myself, would be guilty of an alliance with assassins, I am thankful, as it is in marked contrast with the expression of some of your contemporaries.

“ I came out of Portland Prison at 3 o’clock on Saturday afternoon last. I had been confined in solitude for 15 months without having, from the hour of my reception to that of my release, seen a newspaper, or even received a communication that did not pass through the hands of the governor. Yet, in face of these facts, which cannot be unknown to those who understand the vigorous discipline of a convict prison, you ask me to come forward and make a clean breast of information that would throw light upon the atrocity of last Saturday. You must have overlooked the situation in which I had been placed from the 3rd of February 1881, to the afternoon of the day of Lord Cavendish’s murder, when you implied that I, in common with Messrs. Parnell and Dillon, must possess information that would enable the assassins to be tracked. I am assured by those gentlemen—though no such assurance is needed by anyone who knows them—that they have no such information. They could not, therefore, lend any more assistance in bringing the assassins to justice than that given in the manifesto issued in our names and placarded throughout the length and breadth of Ireland, so that our people

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“ should see that we placed the murderers of Lord Cavendish in their true position, as
“ assassins of the people's cause, who had forfeited all claim to shelter or
“ sympathy, and whose capture alone could remove the stain which their crime
“ has left upon the character of Ireland.

“ You next call upon my friends and myself to employ our recovered liberty
“ to give the world solid and unanswerable guarantees of the loathing with which
“ we regard all forms of outrage, by making a fresh pilgrimage through the
“ country, and to never desist from denouncing assassination until these hideous
“ crimes are exorcised from the land. I agree with you, sir, that such a
“ pilgrimage ought to be made even now. Had it been made before, it is my
“ firm belief that the terrible tragedy of the Phoenix Park, and many another
“ tragedy, which, though it has not attracted so much attention, has wrung heart-
“ strings as bitterly, would never have occurred. Why have there not been such
“ pilgrimages? Let the facts answer, so far, at least, as I am concerned. From
“ the first initiation of the Land League I warned the Irish people against out-
“ rages as the greatest danger of the moment.

“ When I went to America, in May 1880, wherever I spoke, from New York
“ to San Francisco, I did my best to lay the demon of revenge, which bitter
“ memories of eviction evoke in the hearts of exiled millions. On the day of my
“ arrival in Ireland from my last lecturing tour in America, in November 1880,
“ in an interview published in all the Irish newspapers, I denounced violence and
“ outrage in the strongest terms I could command. On the following day I did
“ the same thing from the platform, and pushing on the very pilgrimage you now
“ propose to me, I spoke in the same way in all the four provinces of Ireland.
“ In addition to this I issued instructions of similar tenour to the organisers
“ of the Land League, and I drew up, printed, and distributed circulars pointing
“ out to the people the inevitable consequences of revenge being allowed to
“ supplant the moral forces which alone could win their social rights, and in the
“ name of the Land League called upon its branches throughout the country
“ to deal with the outrage frenzy as the one paramount danger which threatens
“ the existence of the movement with destruction, the hopes of our peasantry
“ with annihilation, and the character of our people with the stigma of
“ assassination.

“ These are the facts. In verification I appeal to the reports of the Irish
“ press, of the American press, and of the Government shorthand writers.
“ There is another fact. Ere I had completed the seventieth day of my pilgrimage
“ I was arrested, and since then until three o'clock last Saturday afternoon,
“ a period of 15 months, I have been buried in Portland Prison.

“ Now, sir, I have answered your questions; let me put a question to you.
“ Supposing that I or anyone else, were to start on the pilgrimage you propose,
“ and that after we had gone so far news were to come to you that we have been
“ beaten into silence with the bludgeon, or stricken down with the bullet, or
“ cut to pieces by the knives of assassins, what would you say? Would you
“ not say that we had been silenced by those who wished outrages to continue?
“ What then will you say of the no less effective manner in which I was silenced?
“ Was it not also that outrages might continue? Was it not in furtherance
“ of an atrocious policy that murder and outrage should follow in the wake
“ of the Land League that Irish landlordism might be represented to the British
“ people as battling not with justifiable reform, but with social savagery? Does
“ this seem to you too wicked a policy to be credited? Look at the facts. Is
“ it not the policy that has been carried out by Mr. Forster? I speak of myself
“ only as an example. Is it not true that my arrest was followed by the arrest
“ in every locality of the men who were the safest and surest leaders of the
“ popular movement, the men who most steadfastly and strongly set their
“ faces against outrage? Is it not a fact that when they were arrested,
“ conservative and prudent men were driven into silence by fear of arrest,
“ and the guidance of an excited people, smarting under the most cruel
“ provocations, was left to the secret councils of irresponsible passion? I
“ am not charging Mr. Forster with being a monster. Personally, he is, I
“ doubt not, an estimable gentleman; but weaknesses which in private life
“ are unobserved, become so magnified when he who is subject to them is

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“ made the absolute ruler of a nation, that they have the effect of crimes.
“ Mr. Forster found in Ireland a traditional policy of government. He followed
“ it; or, perhaps, to speak more correctly, it controlled him. What are the facts
“ of Irish history? Are they not that over and over again seditious conspiracies
“ have been allowed to grow; nay, even have been stimulated, in order that a
“ certain stage of criminality should be reached by those whose actions and plans
“ were known to the police, so that the blow should be struck at their movements
“ with greater éclat, and the chastisement given be all the more effective from the
“ numbers involved in the revolutionary design. If such a policy has not been
“ pursued in connexion with the present social movement, I have been deceived into
“ believing that my re-consignment to penal servitude was in consequence of having
“ endeavoured to thwart such a policy at the time when it began, in my opinion, to
“ show itself to all who are conversant with Castle tactics in Ireland, and who know
“ the desperate position in which Irish landlordism would be placed if English
“ opinion could not be turned from the consideration of land reform and focussed
“ upon outrages. I was either sent back to penal servitude in pursuance of such
“ a policy, or I was not. Mr. Forster, who, I suppose, ordered my arrest, can
“ explain why I was struck down without any explanation given to me, or
“ any chance afforded to defend myself against whatever charge had
“ determined my arrest. Three weeks previous to that event Mr. Forster
“ declared in the House of Commons, in answer to a question put to him by
“ Lord Randolph Churchill, that I had been guilty of no act in connexion
“ with my ticket-of-leave that would justify the Government in cancelling that
“ document. During those three weeks I was engaged almost every day in
“ denouncing outrage throughout Ireland, in calling attention to undetected crime
“ in a country having a police force of over 12,000, and in endeavours to expose
“ what I fully believed to be numbers of manufactured outrages. If I was not
“ arrested for this work, for what was I arrested? If, upon secret information of
“ ulterior designs, why not charge me with these and crush the founder of the
“ Land League at a blow, by showing the priests and constitutionalists in
“ Ireland that they relied upon a man who was leading them on to revolution,
“ instead of to a peaceful settlement of the land question. I challenge
“ Mr. Forster, or whoever is responsible for my arrest, to come forward now and
“ declare upon what grounds I was deprived of liberty during the past
“ 15 months, or allow Dublin Castle to be under the imputation of having
“ removed me from its path, because of my stand against the policy of conniving
“ at murder and outrage. I am constrained to make this demand now from a
“ conscientious belief that had I been permitted to continue my crusade against
“ outrage, to have levelled all the influence of the Land League against the
“ commission of murder and the mutilation of cattle, I could have prevented
“ numbers of crimes that now stain the name of Ireland, and have averted the
“ horrible deed of Saturday last. This is no vain boast. I refer Mr. Forster to
“ my speech at Kilbrin, county Cork, a fortnight previous to my arrest, in which
“ I predicted the accumulation of crime that would result from his policy, and
“ held him answerable before God for the consequences that would inevitably
“ follow from police terrorism and coercion.”

“ I am a convicted Fenian. Very well, I am. It is true that I was convicted
“ on a false charge sworn to by a salaried perjurer; whom I had never seen ere
“ he confronted me in the dock at Newgate, but I do not wish to plead that.

“ I would only ask any fair-minded Englishmen to read a few chapters of
“ Irish history, to put himself in imagination in the place of the son of an evicted
“ Irish peasant, and to answer whether it is any stigma to an Irishman that he
“ has been a Fenian? The people of Ireland do not think so. Nothing so shows
“ the false relations into which the two countries have been brought by misunder-
“ standing and misrule, as that a man may be a criminal on one side of the Irish
“ sea and a patriot on the other. And if it be said, as many unthinking English-
“ men would say, that a Fenian is a man who wishes to burn, to blow up, to
“ murder, I will not reply even to that, though I know it to be untrue. I will only
“ ask if it be just to hold that the man of mature years must be held to the opinions
“ of his youth. And this, at least, let me say for myself. If in the hot blood of
“ early manhood, smarting under the cruelties and indignities perpetrated on my

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“ country, I saw in an appeal to force the only means of succouring her, there
 “ has dawned upon my graver thoughts in the bitter solitude of a felon’s cell a
 “ nobler vision, a dream of the enfranchisement and fraternisation of peoples, of
 “ the conquering of hate by justice.

“ I have suffered by their power, and, as I believe, by their ignorance and
 “ prejudice, but there is in my heart to-day no sentiment of bitterness towards
 “ the English people. The gospel of the land for the people is a universal gospel;
 “ and in its triumph is involved the social regeneration of England, as clearly and
 “ as fully as the social regeneration of Ireland. In the heart of whoever
 “ receives it, rare bitterness and ancient hatred die away; possibly this may not
 “ be understood by you. But one word at least let me say. If you would find
 “ a *modus vivendi* between the English and Irish people, it is easy; treat us as
 “ equals, treat us as men.

“ Willingly will I go to Ireland to do whatever I can to further the peaceful
 “ doctrines I have always advocated; but I am confident that nothing I could
 “ do or say in Ireland would strike as effectually at the fell purpose of revenge
 “ as the feeling of horror which has been sent like an electric shock through
 “ every home of Ireland by the slaughter of an innocent and inoffensive
 “ Englishman, under circumstances that have lent to the black deed every possible
 “ attribute of atrocity. Yet, further than this, there is a word I would say.
 “ How can I, or anyone else protest with effect, against outrages, when the most
 “ brutal and irritating outrages are being committed in the name of the law,
 “ when tender ladies are sent to prison as persons of evil fame, when huts that
 “ charity has erected to shelter the unfortunate are torn down, little boys are
 “ ruthlessly shot down by the constabulary, and men of the highest character
 “ are still held in gaol on suspicion?

“ I am,

“ Sir,

“ Your obedient servant,

MICHAEL DAVITT.”

“ London, May 10th.

(*Sir H. James.*) My Lord, I believe nearly the whole of that letter had been read by my learned friend, Sir Charles Russell, as conveying useful information to you, with the exception of the passage I have read to you. I am not making that observation for one moment as a suggestion that my learned friends have been excising matters. It is all on the note, and I have always held counsel must read what they consider proper. It was, no doubt, not read because my learned friend did not think it advanced his view. But it was read except the portion between brackets, and Mr. Davitt, perhaps not unreasonably, wished it all to be read now. But how does that context in any way alter the allegation in the paragraph I have read? Mr. Davitt had a perfect right to separate himself, if he thought it proper, to some extent from his colleagues. “Politicians have taken the movement out of my hand,” said Mr. Davitt, long ago, and he had great justification for supporting his own position, and perhaps, my Lord, you will observe that in respect to the events of December 1880, it has already been put before you that Mr. Davitt did urge upon Mr. Parnell the stopping of this crime, and although I have commented upon the terms of his denunciation of crime in the direction that it rather proceeded from policy than from a broader view of the subject, yet that he did himself until the 3rd February 1881, when he was arrested, make objection to crime. So, my Lord, he makes that statement in this letter justifying his own position, which he had a right to do. But, my Lord, that context has nothing of connexion with this paragraph—this all-important paragraph—except to put it in the boldest relief. If, says Mr. Davitt, what I did—what he tells us he did—had been done by others, then the paragraph tells us what would have been the result. Then comes the statement that, if that had been done, it is Mr. Davitt’s firm belief “that the terrible tragedy of
 “ the Phoenix Park, and many another tragedy which, though it has not attracted so
 “ much attention, has wrung heart-strings as bitterly, would never have occurred.”

My Lord, to a great extent that is the view that the proprietors of the “Times” desire to place before you, and which they have placed before the public; and, my Lord, if it be that they have erred in presenting that view, still, from the view of many an Irish Nationalist, they must err in very good company, for they will err in company with Mr. Davitt, the founder and originator of the Land League.

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My Lord, it is but due to Mr. Davitt also that I should refer to one more document in which he expresses his condemnation of outrage at a subsequent period. It was in the month of March 1883 he wrote a letter to Mr. Ferguson, that Mr. Ferguson who has given you his view of the right and wrong of crime in connexion with the Horan letter, and in the document, to which I am referring, the communication to Mr. Ferguson (at page 3830), Mr. Davitt says:—

“If no other argument could be adduced against a policy of violence than that of the manifest injury which has resulted from the outrages that have occurred from February 1881 to the 6th of May 1882, here in Ireland, surely that should be more than sufficient to show to the most obtuse understanding how disastrously it must inevitably work to the very cause that is now proposed to be served by an extension of its application. I have maintained, on fifty platforms in Great Britain and America, since my release from Portland, that to outrage, and outrage alone, was due the defeat and partial collapse of the Land League, and the consequent escape of landlordism—for a time—from the demoralizing antagonism of a new kind of organized opposition that would have soon compelled the Irish landlords to surrender to the people.”

That is outrage with which Mr. Davitt endeavoured to deal in October 1881, and with which he wished Mr. Parnell to deal. That was the outrage which they by their pilgrimage could have stayed. That was the outrage, therefore, not of the enemies of the League, but the outrages committed within. So here Mr. Davitt says this, that the outrage was so great, and the commission of it was so great that to that you owed the defeat and the partial collapse of the Land League. In justice to Mr. Davitt, throughout his evidence he never set up the theory, or supported the theory of a secret society hostile to the Land League. He wished to do what he could by appealing to those to whom he had a right to appeal, to stay this outrage, according to the view he presented to you, and now it is because that outrage was not stayed, but because it existed, the Land League did not effect its objects. Well, between February 1881, the date of his arrest, and May 1882, is the period with which we have for some time been dealing. It forms a sad, sad record of crime, and it was that crime which was so great that the League collapsed, a term that represents internal action, and not outward attack. The League collapsed on account of the outrages that the pilgrimage could have stayed, but it was never stayed by anyone having the power to do so.

My Lords, I am happy to say that I now pass away from this terrible tragedy, and all connected with it for the moment. I have no word of apology to say to you for having addressed you at length upon it. It is a central fact in all these proceedings which caused men to steady themselves, and caused men to think, and though we shall find a new departure which shows little effect of this said lesson having affected any teaching, yet for the moment, no doubt, it influenced deeply the acts of men. There is, however, one short matter to which I could conveniently, if you will allow me, now at this moment refer to, and that is that action which we have called the Kilmainham Treaty.

My Lord, for my own part, I am unwilling to deal, at any very great length, with that circumstance. The reason why I shall abstain as much as I can from dealing with it is that if I were to enter, I think, into detail in relation to it I should be touching upon much matter that is of a political character, and also a party character. My Lord, there are things such as the destruction of documents stated by Captain O'Shea, to which reference has been made. I pass them by, and I intentionally pass them by, because I should be dealing with the actions of conspicuous public men, and it might be thought, and said, that this tribunal was being utilized for the purpose of attacks upon public men who are not present here to answer for themselves. I am not going even to refer to the fact that explanation of certain circumstances could have been given if witnesses had been chosen to be called. I would prefer in these political subjects to let the matters speak for themselves, or, at any rate, if they are to be dealt with, to be dealt with elsewhere. I should not shrink from dealing with them for a moment if I thought they would assist your Lordships very much in coming to a conclusion upon this matter. We have had to steer between the rocks, and sometimes, I am afraid, very closely to them, in connexion with political subjects, and we cannot always shrink from touching upon them. But my view is, that this Kilmainham

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Treaty, as it is termed, will not assist your Lordship very much in arriving at any conclusion upon the subjects of more importance, which are submitted to your Lordships for your consideration. I draw but one important inference from the transaction, and it is this—that Mr. Parnell in accordance with, I will not say the terms of the agreement, but in accordance with the suggestions which were made for the reciprocal conduct, undertook to do something to stay the outrages which were going on. Well, my first view that I shall present to you is, that whatever was within Mr. Parnell's power ought to have been carried into effect long ago. Such exercise of power cannot depend upon the force of a contract. It cannot depend upon advantage to be gained by Mr. Parnell. It cannot depend upon any political views of a party character or of a national character. Such action depended upon the duty he owed, not to the English Government, not entirely to the English Government, not due to any party in the State, but which he owed especially to the Irish people, who had the right to seek and obtain his protection.

I think the only other matter that need be discussed or need be mentioned is, that Mr. Parnell, when he was asked to exercise that power, either knew or found a direction in which he best could employ both his knowledge and his authority. I am anxious not to over-state this matter; but we have from Mr. Parnell, I think himself (at page 4126), his view in respect to Mr. Sheridan. I need not in any detail remind you now of what we know of Sheridan. That is all before your Lordship, I am sure, conspicuously, and the suspicions that were entertained in relation to him. But, it so happens that this man had been rendered organiser for the League on the recommendation of Patrick Egan. We know that long ago, in October 1880. He had so continued working for the League. He had done so in disguise as a priest for some reason which probably is not connected with any constitutional action. He had been at least suspected in connexion with murder, and now we know that a true bill has been found against him, a bill that he has never appeared to answer as a participator in the Phoenix Park murder.

Now, Mr. Parnell has to use such means as are at his disposal to stay crime, and the person he thinks right to communicate with if he can, or to place others in communication with, is this man Sheridan. At page 4125 he says this: the question is 61,125:—

“(Q.) Now, did you know in the year 1882 that there was a warrant out against Sheridan for murder?—(A.) No, I did not—not until Captain O'Shea brought me a message from Sir William Harcourt, or made a statement to me which he had heard from Sir William Harcourt. (Q.) You have heard Captain O'Shea's evidence, of course, or you have read it?—(A.) Yes. (Q.) It came to your knowledge in May 1882, that, rightly or wrongly, there was a warrant for the arrest of Sheridan for murder.”

It is so put. I do not wish to go back. I will accept any view your Lordship thinks right.

“(A.) It came to my knowledge that the Government attributed to Sheridan complicity in murder. I cannot speak as to the warrant. I think that the warrant, that the withdrawal of was suggested, was the warrant for intimidation under the Suspension Act,

I will so take it,

“but I do not think that there were any proceedings so far advanced, or, in fact, any proceedings at all, had been taken against him on the charge of murder until later. (Q.) What I distinctly wish to know from you, Mr. Parnell, is this, whether or not at the time of the information conveyed to you by Mr. O'Shea—I understand you Captain O'Shea did convey that information to you?—(A.) He conveyed this message as well as I recollect it, and I think my recollection is accurate—that the police suspected Sheridan of being concerned in murder. (Q.) That there was a warrant out for his arrest?—(A.) That there was a warrant for his arrest, which I understood to be under the Suspension Act. That was the previous idea. But that was the only thing conveyed to me at the time. (Q.) Whatever it be, the information was that the objection to Sheridan's return was, that the police had reason to believe that he was guilty of the crime of inciting to murder?—(A.) Something of that

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“ kind, yes. (Q.) Did you make any further inquiries into that matter at all?—
 “ (A.) Yes, I made inquiries of Mr. Egan about it the first time that I saw him.
 “ (Q.) Any other?—(A.) No, I made no further inquiries. I made inquiries of
 “ Mr. Egan, who was the person pointed to by Mr. Forster, and I think he was
 “ the proper person to inquire of Mr. Sheridan about. (Q.) You said, I think,
 “ you had not seen Sheridan since the autumn of 1881 yourself?—(A.) Yes.”

So far as I can see, bearing upon this case, the principal importance of the whole of this Kilmainham arrangement, or call it what we will, was that Mr. Parnell thought it right to inquire from Mr. Egan, who I quite agree would be the person who probably knew more about Sheridan and his acts than any person Mr. Parnell could inquire from, and the result was he thought he was a person he could well deal with.

There is one other explanation Mr. Parnell gives which I think your Lordship ought to take, at page 3337, where Mr. Parnell, speaking in the House of Commons, refers to his application to Sheridan. I do not understand whilst various attention was called to it that Mr. Parnell really gave any very specific explanation, because what he said was this :—

“ Why was it that only Mr. Sheridan’s name was selected for the purpose of
 “ attempting to make out that I was privy to and knew of some supposed
 “ connexion of Mr. Sheridan’s with outrage or attempted outrage. Sir, I leave
 “ these questions to be answered by hon. members who may have a better
 “ knowledge with regard to what actually passed than I have.”

Of course the observation was that he selected Mr. Sheridan as one of the persons with whom he could treat as an agent to stay crime, and Sheridan, who had been an organiser for the Land League, was then suspected of crime. I will refer your Lordship to page 3382, Captain O’Shea’s evidence. He there states that Sheridan and Boyton could put down outrages at that time, according to the view of Mr. Parnell. It is not only Mr. Sheridan’s name.

(Adjourned for a short time.)

(*Sir H. James.*) My Lord, there was one reference I promised to give your Lordship, which was the reference to Mr. Parnell’s evidence, where he says that he gave a cheque of 100*l.* to Mr. Byrne.

“ (A.) I think it must have been the day he left London. (Q.) What day
 “ was that?—(A.) That was the day he got the cheque. (Q.) I have a reason for
 “ asking you as near as you can?—(A.) It was about the 20th or 23rd.”

I promised your Lordship that reference; it is at page 4108. There is only one other matter in connexion with the Kilmainham treaty to which I would refer, and that is that Mr. Davitt in the course of his speech made reference to Captain O’Shea, in language that I will not say was discourteous, but certainly it was language that expressed that Mr. Davitt’s feelings were not certainly imbued with much gratitude towards Captain O’Shea. It was language which formed somewhat of an attack on this gentleman. I will only say I do not think that Mr. Davitt had it prominently in his mind that Captain O’Shea had done his very best to secure Mr. Davitt’s release. He stated it in his evidence that he had made it a point as much as he could on his part, to obtain Mr. Davitt’s release. I had that in my mind, and I am told I did not mention it, that whilst in the “*Standard*” that Mr. Davitt wished should be read in full. Mr. Davitt points out that many leading men were under arrest, so that the outrages could not be denounced, the important fact is that the outrages that were increasing in volume during 1880, had their greatest increase during the year 1881, and that certainly Mr. Parnell was not arrested till the 13th of October, and during that year of 1881, the opportunity being afforded to him to do what Mr. Davitt suggests should have been done, it was not done during that time.

Now, my Lord, it occurs to me that, having dealt with the Phoenix Park murders, and matters in any way connected with them, it is necessary that I should occupy your time for a very few minutes, scarcely even extending beyond seconds, by making reference to the important feature of this case, I mean that feature of the letters we have called the Pigott letters. I say that the time that I shall occupy in referring to them will be very brief, and, I think, for reasons good and sufficient for your Lord-

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ships, I have to bear in mind your Lordships' ruling; and, as my learned friend, Sir Charles Russell, quite agrees with that view that you present on the subject, so have I with equal deference, and in accordance with my wishes, submitted entirely to that view. I am unable, with propriety, to deal either with the motives or with the action of the "Times" in producing those letters in their columns. I have to deal with one fact, and perhaps it will be matter of consideration, namely, were these letters put forward as forged letters by the "Times" newspaper, with the knowledge that they were forged?

My Lord, if that question remained open, I should endeavour, if I could, to bring the defence of my clients within the principle of your Lordships' ruling, but that question is closed, closed by the admission of my learned friend, Sir Charles Russell, not by your Lordships' ruling. At page 3842, my friend, Sir Charles Russell, directs his observation to this point, and he says:—

"I have to say, and have said, many hard things of the 'Times.' I am not going to suggest that they believed that these were forged when they put them forward."

I presume my friend spoke upon the instructions of his clients.

(*Mr. Davitt.*) Not from me, my Lord.

(*Sir H. James.*) I am sure your Lordship has accepted Mr. Davitt's suggestions, and I have not objected to them, but I think Mr. Davitt must recollect that there are others in this case besides himself, and that Mr. Parnell's counsel, in speaking of those letters, was speaking of matter with which Mr. Parnell has to do, and not Mr. Davitt, and therefore I do not presume that Mr. Davitt has anything to say in relation to these matters. His name is not mentioned.

(*Mr. Davitt.*) There was a letter of mine forged also.

(*Sir H. James.*) But not in this inquiry, and I would ask Mr. Davitt to use that discretion that he is fully able to exercise, and to distinguish between matters which are connected with himself and matters which are not connected with him. Mr. Parnell's counsel, I presume, upon his instructions makes this admission. Then what I have to deal with I have to deal with according to the ruling of your Lordship. Those letters have been withdrawn. It was the intention of the "Times" newspaper that there should be a full withdrawal—a full acknowledgment—the acknowledgment that was made, that their publication would not be maintained for a moment in this inquiry.

My Lords, you will not allow me, I presume, to go into the question of my friend's attack, that they were unconsciously or improvidently published. You will not allow me to justify the course the "Times" newspaper took in respect to inquiry before they published those letters; but, my Lords, even if you were to say I was entitled so to do, I could not do so with propriety, as counsel for the "Times," and I think that what I say—at least, I hope what I say—will meet with your Lordships' acquiescence. At this moment there is an action pending, brought by Mr. Parnell against the "Times" for libel, for publishing some of these letters, and this action is about to be tried.

My Lord, would it be becoming of me here to make now in advance of that trial, statements which it is possible—I will not say more—may meet the eye of jurymen who have to try that case. If I did—if I attempted to justify the "Times," and to point out the justification that the "Times" had for publishing those letters—I am certain that the condemnation or objection, if it did not proceed from your Lordships, would come from someone, and they would be the representatives of Mr. Parnell. Rightly or wrongly, I take upon myself, with the concurrence of my learned friends, the responsibility of determining that it is not becoming, in the face of that trial about to take place, for me now to deal with the subject which will be the subject of inquiry when that trial does take place; and, therefore, my Lord, I am compelled, if I act with propriety, according to the view of my colleagues and myself, to abstain from comment upon this subject-matter. I will even let the hard things which my friend admits he said of the "Times" pass by unnoticed. If I noticed them I should not be dealing with the issue raised before your Lordship. If I noticed them I think I should be dealing not fairly with the interests of litigants, which will have to be considered hereafter, and which ought not to be affected by observations now.

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[Continued.]

There is, my Lord, one subject of a personal character that I am requested and I do desire to mention. It may be that I mention it without strictly legal evidence in support of what I say, but I mention it in order to contradict a statement of my learned friend, Sir Charles Russell, who certainly placed before your Lordships an averment that no evidence has been given in support of. I have to apologise for dealing with such subject-matter, but it is the statement of my learned friend, Sir Charles Russell, which he made at page 3845, in which he thought it right to say that a gentleman connected with the "Times" newspaper had separated himself, in action, from his colleagues; that a gentleman who is well known to the public, namely, Mr. Buckle, had, in fact, dissented from the course taken by those who were his colleagues, I desire to say, perhaps I ought to use a different verb and a different tense, and say I am desired to say, that that statement was not made upon information that was correct, and that the gentleman of whom I am speaking desires to stand as he believes he will stand, and, if necessary, to fall with the course that they have taken.

(*The President.*) As you say, it is purely a personal matter, and is not connected with the inquiry before us, but I may say in passing that I thought Sir Charles Russell was only referring to the fact that Mr. Buckle did not approve, or did not authorise, the publication of the letters. That is what I understood him to say; he was distinguishing between Mr. Buckle's conduct in the matter and others.

(*Sir H. James.*) If your Lordship will refer to my friend's speech, it goes a little further than that.

(*The President.*) I am only speaking from memory; I fancy that was the drift of it.

(*Sir H. James.*) If that be the view, I gladly accept it. I only desire to make clear on Mr. Buckle's part that he is not standing aloof from his colleagues, and is in no way disconnected with them.

My Lord, I have now to pass on, and I am about to pass more rapidly on than I have hitherto done, with the periods that remain after the autumn of the year 1882. I said before that I have had to exercise some degree of sense of proportion to see how far I ought to deal in detail with different subjects.

My Lord, if my work was merely literary work, and if one had at one's ease and with full disposal of time to deal with the mass of matter that is before your Lordship, months probably could be occupied in dissecting every detail of this evidence, but I feel that I have no right to occupy the public time, I have no right with such details as that which a literary man might enter upon, to continue dissecting minute portions of this case. I have endeavoured to produce the prominent features of the case, and propose to deal with them somewhat in detail, but when I come to the whole period of time which in many respects is but a repetition of the times with which we have dealt in detail, I have endeavoured to mitigate the effect I am afraid I have had on your Lordship's patience, and I shall deal in a much more concise manner, and in a much more general manner, than I have dealt with the important periods between 1878 and 1882. I cannot promise you that there will be absence of some details, but I will, if I can, touch only upon matters that are of importance, and I will touch only upon considerations of evidence by way rather of reference than by argument upon that evidence. The subject-matter that I wish now to call your attention to is a very broad one, and covers a considerable portion of time; that is the National League as distinguished from the Land League, and of course you will be aware that in respect of time we have therefore to commence our consideration of events occurring in the autumn of 1882, and we have to bring them down, so far as it is necessary to do so, even to the very present day.

My Lords, I am justified, I think, in dealing more generally and more briefly with the action of the National League than I have with the Land League. I think I am justified in doing so, because the National League to a great extent formed nothing more than the continuation, and, therefore, a repetition of the acts of the Land League. We have had before us a term that was, I think, first used in a very different place, the Apostolic succession of the National League as following the Land League, speaking very reverently, whether the Apostolic succession would be based upon the action of two mundane corporations. I really can scarcely say, but that there was continuity between them there can be no doubt. There even was continuity to the extent of the National League taking over the furniture of the Land League; but

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that there was the more important continuity of action we shall find as we proceed. That there was dealing in the same, I fear in a worse way, with some of the weapons of the old Land League by the new, and, unfortunately too, my Lords, there was apostolic succession, or continuity in respect of the victims of the one and the victims of the other. The mark had been made on the door-post by the old League, the outrage was perpetrated and carried into effect by the new. There was no break in the action between the two in such respects, but the main features being the same, there is no doubt some difference between the action of the two, which I will point out first, if you will allow me, in general terms. The key to a great deal that occurred is to be found in a speech that was made, I think, by Mr. Dillon, and which I think is in your Lordship's note, when he said, "happily, when we have better organisations and complete organisations we shall not want many speeches." It was a speech that was made early in the action of the old Land League by Mr. Dillon on November 14th, 1880, and reported in the speeches at page 406, where he says:—

"As soon as we have got the country properly organised, we intend to give up the meetings, and that will be a very pleasant day for me when I have done with speaking. As soon as the country is strictly disciplined, and ordered, we will require no more public meetings, and no more speeches, because everyone will know what he has got to do, and whom he has got to obey. But the people must work hard at this organisation, they must put pressure upon certain individuals who are selfish enough, although they are living out of the people, to turn their back on the people's cause in the hour of trial."

That view that organisations could supply the place of speeches is carried into effect, because you will have noticed that during the years of the National League, there is a very great difference in the number of speeches that we have presented to you; and, in fact there was a very great difference in the number of speeches made between this period and the earlier period of the Land League, subsequently to its formation in the autumn of 1879; and the reason would be obvious that the doctrines of the League at that time were new. They had to be taught to the people who were willing to listen; in the period we are dealing with, 1882, when the doctrines of the Land League were old and were well known and need not be taught in public, at least by speakers. The organisations which were formed would impress the necessity of following the doctrines of the Land League without speeches being made to raise the enthusiasm of the people in order to lead them to become members of the League. And, my Lord, as we know from Mr. Timothy Harrington's evidence, at page 5417, there were 1,700 branches of the National League—1,700 branches he tells your Lordship had been formed. The exact date I do not exactly find given, but he is speaking of the mass of business which had to be transacted, and he says that 1,700 branches of the National League were formed, so that applying 1,700 to this portion of Ireland in which the National League flourished, the organisation must have been complete, and so it was necessary that you should have a number of speeches. It would have been unnecessary work if you had had those speeches if the organisations were carrying out Mr. Dillon's view affecting the work the speakers formerly had had to effect. Then, my Lord, there is another reason that rendered these speakers mute. The Crimes Act of 1882—July or August—had come into force, and as I shall have to point out to your Lordship, had immediate effect, happily, on the extent to which crime existed. So long as it existed you had but little public action, because men could hear and men could note; and, I presume, so long as the Crimes Act was in existence, the language that has been read to you in 1881, and the early part of 1882, would not have been tolerated, punishment would have followed, under that Act, the men who had so spoken. Therefore, my Lords, during that period speakers were few and crime diminished; and I shall show to you that when that Act ceased to be in operation the speakers increased, and crime increased; but dealing with the time between the autumn of 1882 and 1885, you will find that the speakers have left virtually the scene of operations, and the organisations are at work, and as you may suspect, or, at least, as you would surmise, the organisations being at work, and to avoid the Crimes Act, publicity not being given to those who were still carrying on the campaign, or still carrying on the war, the active agency of these 1,700 branches is more or less below the surface, and so not so prominent to the public view.

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[Continued.]

Well, my Lords, what does that mean? The agencies that could be used so that the law could not be infringed were those that were used. The Crimes Act would stop, and did stop, the commission of outrages, where by the inquiry that was given under the Act criminals could be detected and punishment would be enforced, but that which men were endeavouring to bring within the law, and yet which was as cruel an outrage—the bitter, bitter, boycotting to which they subjected their fellow men—that increased, and increased in the refinement of its character. I read to your Lordships some instances of boycotting that were sad enough. They were boycottings you would suppose scarcely of human beings by human beings, when one branch would pass a resolution that a sick woman when she died should have no coffin found for her, who passed it to another branch to enforce, who accepted it before the woman's death, and enforced it afterwards. That was the boycotting of a later period. It required some time to develop such mode of thought. It required some time, of course, to bring to perfection such a method of enforcement, and you will find such acts as those—to one or two of which I will refer—that they were acts of later time. My Lords, speaking with rather more particularity than I have done, the history of this National League is easy enough to trade.

After the suppression of the Land League, the Ladies' Land League had been at work, and Mr. Parnell, after his release, came to the conclusion that such action was dangerous—the action of the Ladies' League—and stopped the action of that League.

Again, as usual, the suggestion of this National League proceeds from Mr. Davitt, but, acting upon his suggestion, Mr. Parnell was waiting for a time, and waiting till public opinion, roused—almost enraged—by the Phoenix Park murders, would justify action again, by the formation of a league. There had been, you will recollect, some traces of organisation; I do not know that I need dwell upon them—some traces of organisation in Cork. They are described by John O'Connor, at page 5830. There had been an organisation in Queen's County, mentioned at 5941. There had been a Suspects Sustentation Fund, mentioned by Father Considine at page 5971. Then, as a proof of what organisation could do, you will find on page 5202 it is stated that Dr. Kenny told Le Caron if they had had another ten days they did not care whether they arrested all at head-quarters, as they would have another man in charge, so that I would suppose that, whilst the Ladies' Land League bore the brunt of the operations that were necessary to support the operations of the League, yet there were individuals who, notwithstanding the suppression of the League, still acted in the sense of the League's policy, and that it was only by degrees Mr. Parnell was brought to see that he might bring together the old feeling and the old men, so as to renew under the name of the National League all that the Land League had been doing. You will recollect, if we look at the choice of men, that Mr. Davitt's view, which he expressed at page 5614, was that Mr. Parnell did not intend Mr. Davitt to have the same control over the National League that he had exercised over the Land League. He says that is his impression. The question put to him was:—

“(Q.) I think, so far as the National League was concerned you have not yourself taken as prominent a part in that as you did in the earlier days of the Land League?—(A.) No, I have been under the impression that Mr. Parnell did not want me to have the same control over the National League as I exercised over the Land League.”

Still Mr. Davitt drafts the programme of the National League. At least I will not say that he did, but it was so stated that he did by Mr. Andrew Kettle, in the speech put in at page 1017 of the speeches. I think this speech must have been made in Mr. Davitt's presence. It is very short:—

“I have the honour to know Mr. Parnell, and nearly all the Irish leaders, and I have to thank Mr. Davitt for the way in which he introduced my name—(‘Cheers for Mr. Davitt.’ Cheers),—but coming back to the lines of practical work, Mr. Davitt's hand drafted the National League programme, and I want Mr. Davitt to draft a plan for a great league that will pull the people together.”

And also, as you are aware, the circular calling the convention together was signed by Mr. Parnell, Mr. Davitt, Mr. Dillon, Mr. Brennan, Mr. Healy, Mr. Sexton, and Mr. Arthur O'Connor. I do not find that Mr. Davitt's name is upon the organising

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[Continued.]

committee, but his name is on the circular. You will find the document calling the conference, the invitation to the conference at page 3741; the names of the signatories is at page 3742. Now, very early, the duty of the Land League we have explained to us by Mr. Harrington. Again, at page 5448, and that page I will only give your Lordships the reference to now. It was stated by Mr. Harrington that—

“ The policy of the National League was first of all to relieve those evicted tenants who had been left to us as a heritage.”

I will give you the substance, but I believe that is almost word for word. So you all knew this delegation existed—the transition of men—even of the furniture, as I have said. And then the evicted tenants of the old League will be left as the heritage; some of them, I presume, the men we have been reading about, who could pay and would not, and, at the instigation of the Land League, had stood out against the payment of their rent. They had been left as a heritage, and they had to be supported in fulfilment of the promises which had been given on the faith of the old League. And, as we shall see hereafter, the victims as well as the evicted tenants—both, as I have told you—came to the hands of the Land League.

Now, you have the programme of the National Conference, that is the National Land League, at page 3742. The objects are very much the same—National Self-Government, Land Law Reform, Local Self-Government, Extension of the Franchise, the Development and Encouragement of the Labour and Industrial interests of Ireland. Then come extensions of those different heads, particulars of them being given. But I can find no trace whatever of any statement of dealing with evicted farms—I mean by evicted farms the persons who had been evicted therefrom. As to that portion of the action of the National League, the subject to which its action is mainly directed, finds no place within this programme at all.

Now, so the League commences its operations. I have given you a sketch in anticipation of the absence of active operations during the years 1883 and 1884.

(*The President.*) What is the page of the programme?

(*Sir H. James.*) 3744. 3743 is the call; 3744 is the programme. One of the reasons of the want of action I have pointed out; one of them was the intention not to make speeches, the Crimes Act being in existence, and the great organisation not requiring the speeches. But there was another reason, a reason that affects the action of a good many people, and that was, the comparative want of money. If you will look at the accounts that are placed in evidence by Mr. Hardcastle, and especially refer to the schedule evidence given at page 3532, the commencement of the Revenue Account of the National League, you will see that up to April the 30th the full amount that had been received was 4,370*l.* I am dealing, of course, with 1700 branches; that showed a very small sum. Then we get to the year 1883, to the end of it. The real sum is 11,069*l.*, which was the income, because the total includes the balance brought forward. The total is 11,069*l.* from April to December. There is a somewhat greater increase in the year 1884, as shown in the next page, when the sum amounts to 14,264*l.*, and in 1885 there is a larger sum of 18,000*l.*; but will your Lordships note that of that 18,000*l.*, 5956*l.* is carried from the Parliamentary Fund, with which I have, of course, to deal. I do not know whether you quite follow me?

(*The President.*) Yes, I have it.

(*Sir H. James.*) So that you get the subscription.

(*The President.*) I do not understand it yet, but I am following it. Cash, Parliamentary Fund, is one of the receipts? Of course, I can only guess what it means.

(*Sir H. James.*) I will show you what is the meaning of it; that when you find this Parliamentary Fund coming into existence—which I shall show to you was the American new action that there was such a large sum that there could be transfer, but whether this was mere book-keeping or not I am unable to tell you, for this reason. Will you kindly look at the disbursement side of that account now before you, and you will see there in the middle of the page, Cash and balance in hand to credit of Parliamentary Fund 6117*l.* 10*s.* 5*d.*, less sundries paid by National League 171*l.*, and that is brought out as 5,946*l.*

(*The President.*) Now then, the question is, whether that 5946*l.* is not in some way or other connected with the 6117*l.*

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(*Sir H. James.*) That is a misprint, that 5,946*l.*, or rather a miscalculation. It is, really 5,956*l.* 9*s.* 10*d.* If you deduct 5,956*l.* from the 6,117*l.* 10*s.* 5*d.* you will get 161*l.* 0*s.* 7*d.* You will see it is printed or calculated here 171*l.* 0*s.* 7*d.* instead of 161*l.* 0*s.* 7*d.*, and so those figures are identical. I wish to deal with the Parliamentary fund as an important fact separately, the only observation I have to make is, that inasmuch as that does come in some way from a Parliamentary fund, the subscriptions that are coming in are stated in the receipt account. Well, you note that the sum coming in from America in this year cannot be found. United States branches for the year 1884, 3,101*l.*; United States, 2,128*l.*, in the year 1883 from April, and only 937*l.* up to April.

(*The President.*) Do I understand you to say the English Parliamentary fund came from America?

(*Sir H. James.*) No, if your Lordship pleases, not directly. It comes from America to the Parliamentary fund, but America did not send it to the League. That is my point, if your Lordship pleases. Somebody else gave it to the League, but it is not money sent to the National League. This is not National League account, Parliamentary fund is not. It is a separate account. You will see that when I develop the American case; but will your Lordship allow me, if I may have it upon your note, looking at this account and starting, if you would from the 30th April 1883—the first account, that is page 3532—you have 937*l.* from America; that would be substantially the first six months.

Then in the next portion of 1883 you have 2,128*l.*, almost accurately you have 3,000*l.* during that year, 3,100*l.* The next year represents 1884—the same sum 3,100*l.* from America. The next year represents from America, as far as I can find out, nothing at all; but in the next year, 1886, which is after the change of policy, I have to call your Lordships' attention to, for the Home Rule Bill had been introduced into the House of Commons, you have an amount there of 8,800*l.* Does your Lordship bear in mind, even but very broadly, the figures of the receipts from America and the Land League? I think we had in that Mr. Egan could boast how he had received from America, to a great extent from the "Irish World," 1,000,000 dollars, or a quarter of a million, more or less, from the Americans in the time of the Land League, when Patrick Ford was at work. At that time the money was then proceeding: And now we come to a period with which we shall have to deal, after October 1882, when it was said that Patrick Ford has ceased to work—here you get the spring running dry—the source of American money, and you get now a comparative absence of those contributions from America. And I shall have to ask the reason why it was that America at this time was not sending the money that it had been sending when Patrick Ford was giving his support to the Land League, and when he was making appeals in his journals for this money. Now, we find signs of the renewal of operations in different ways. We have in the evidence of Mr. Davitt, at page 5697, we have signs that at that time the flame was to be rekindled. It is a speech, I do not know how you have it in the print, but mine has been corrected to the 9th of August 1884: it is about two or three lines from the bottom of the page.

(*The President.*) 9th of August 1880.

(*Sir H. James.*) It is a misprint or correction. Mr. Davitt will recollect it. Mr. Davitt was in America in August 1880, so that it is 1884. This is what Mr. Davitt said:—

"I have only now to thank you for the patience with which you have listened to me, and to say a few words to the tenants now present. It is possible that, when the next gale comes round, some of those tenants who were re-admitted as caretakers yesterday may be again evicted. If such a thing will happen, recollect that in driving round those farms to-day, I have placed a line round each holding, across which let no landgrabber dare walk."

Then, my Lords, there was loud and continued cheering.

"(A voice: 'Once again. Bravo Davitt,') and renewed cheering."

(*The President.*) That must be continued on:—

"Let no man dare walk if he wishes"—

(*Sir H. James.*) Yes, following the cheers.

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[Continued.]

“ Let no land grabber dare walk (loud and continued cheering). (A voice :
 “ ‘ Once again. Bravo Davitt.’ Renewed cheering.) (Mr. Davitt.) If he wishes
 “ to preserve the peace of this part of Ireland, and to respect the public
 “ sentiments of the people (hear, hear) I will say no more. I am thoroughly
 “ satisfied that his advice will be followed (cries of, ‘ It will ’), because four years
 “ ago it was my duty to give similar advice in another part of the Queen’s County
 “ in connexion with an eviction which took place in Knockaroo. Since that day
 “ until the present hour that farm has remained unoccupied. (A voice :
 “ ‘ A model farm.’) ”

Then, my Lords, there is an examination of Mr. Davitt upon that point, and I must confess that speech is one very likely, as I say, to re-kindle the flame. It is a speech for which Mr. Davitt must, of course, bear the responsibility. Now, before coming to the other weapon to which I have to refer, may I notice to you, that as early as the 25th May 1882 Mr. Parnell made that statement in the House of Commons to which I have referred. He had said that boycotting had been advised. I have referred to it, my Lords, and I wish to mention it again. At page 4227 Mr. Parnell says (at the bottom of that page, the last line but one):—

“ I desire, Mr. Speaker, to admit to the fullest extent, that the practice of
 “ boycotting which grew up subsequently to that speech ”—

that was the Ennis speech of 1880—

“ has been very much abused. It has been used, not only against persons who
 “ robbed their neighbours by taking their holdings from them after they had
 “ been unjustly evicted—robbed them of their tenant right, which had not then
 “ conferred by law, but which has since been recognised and conferred by law—
 “ but it has been used against persons who refused to join the Land League, who
 “ refused to illuminate their houses, and who refused to subscribe to various
 “ popular movements. It has been used in a variety of other ways which merit
 “ the severity, the most stringent condemnation.”

My Lords, it almost seems strange that Mr. Parnell, having made that statement in Parliament in May 1882, did not act upon it. After that time the National League is formed. The National League goes forth as the Land League had gone forth, to rule and control in each locality ; and if Mr. Dillon’s advice had been followed, that the Land League should be made small, even down to the area of half parishes, so that they may more strongly focus each man, then, my Lord, Mr. Parnell, knowing that this boycotting had been so used, as far as we can trace, and as far as we can discover there is no alteration made in the old system by the introduction of Mr. Parnell’s action, but on the contrary, as we proceed, you will find how it was extended. Then, my Lords, I read to you Mr. Davitt’s statement. There is one other statement, at page 5106, made by Mr. Edward Harrington, on his view of what the National League was. Mr. Edward Harrington makes this statement, and I refer to it as I wish to call your Lordships’ attention to the county of Kerry, as to what was going on.

(The President.) Which question ?

(Sir H. James.) Question 78,018. It is a quotation from that speech.

“ I know that here and around you, and not far from you, in a good many
 “ districts surrounding you, the principles of the Irish National League have been
 “ grossly violated, and that the laws—I might say the God-given laws—preached
 “ to you by the tribunes of Ireland, have been grossly violated, and that the
 “ land-grabber has come forward and shown his cowardly head. I say the land-
 “ grabber has come forward and shown his villian claw like the foul demon does
 “ his cloven foot. But why should I expend breath in trying to turn black to
 “ white. You know, my friends, it is useless to attempt to make the leopard
 “ change his spots, and landlords are no more here to-day than they were before
 “ taking the produce of your country from you. But I trust you are changed
 “ from being serfs, slaves, crouching and fawning sycophants, and that you stand
 “ here to-day to demand your rights, pledged and vowed to live or die, to stand or
 “ fall with those claims put forward.”

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I think you will find the date of that is the 2nd June 1885.

Now, my Lords, a word or two about the crime spreading. I am endeavouring to trace from Mr. Harrington's view when the Land League was formed.

(*The President.*) When the National League was formed.

(*Sir H. James.*) I am speaking of the same now. I beg your Lordship's pardon. Mr. William Davis gives evidence at page 1115. Mr. Davis puts the formation of the National League on the 12th June 1884. It is Question 17,501. He says:—

“ Yes, and on down until the National League was formed there.”

That was at Castleisland.

“ On the 12th June 1884.”

Mr. Harrington's account of the Kerry League you will find given at page 5450 and 5105. Would you forgive me for asking you first to refer to 5105? It is in the same volume, at the close of the page. He says there, after saying that he lives in Kerry ten months in the year:—

“ The National League dates, practically, in Kerry from 1885. (Q.) The beginning of 1885?—(A.) Yes. (Q.) There were branches, I think, as early as January 1886, there?—(A.) Yes, there were in 1885. (Q.) January and February?”

I do not know that we need minutely dissect it, but at the page I first gave you, 5450, in the same volume, a date not substantially differing from the previous testimony he has given you, he says:—

“ The League itself was not strong in point of numbers in 1883 and 1884; the League itself generally was not—well, there were a fair number of branches throughout Ireland; but not a third of what they ultimately reached. (Q.) In 1885, again in 1886, were there a large number of branches opened?—(A.) Large numbers.

Well, you see, my Lord, the reason Mr. Harrington gives for this act, having occurred at page 5417. He gives this account at question 83,654:—

“ The League was gradually gaining in numbers. During the first two or three years we were making efforts to extend it in the portions of Ireland that were quiet. In the county of Kerry, where outrages prevailed to a large extent, I made no effort to encourage the formation of branches of the League. I wanted to keep our organisation free from any districts where crime had prevailed, and it was only in 1885, when branches began to be formed there, when it was a matter of necessity that the county should take part in the selection of candidates for the general election.”

I want, with these facts before us, to see how it was that crime grew at this time in the county of Kerry, and from the table of crime that has been put before you, the figures stand in this way. In 1881, when, of course, we have crime under the Land League, there were 401 crimes. In 1882 there were 347 crimes. Your Lordship will recollect the line that has been drawn between the first six months and the last six months in all the counties which will be given to your Lordship at any rate. Therefore you have 401 and 347, the falling off you will find being in the last six months when the Crimes Act came into operation. Then we have 1883 and 1884, when the National League is quiescent, and the falling off is remarkable. In 1883 there were 146 crimes. In 1884, there were 117 crimes. So, my Lord, in the two years when the League was at work, you have 743. In the two years, when the National League is quiescent, you have 263. 742 in 1881–2. 263 in 1883–4. Now, my Lord, from 1884 to 1885, when the National League comes into existence, the pump up exists again. From 117 they increase to 180 in 1885. And although, of course, there were, as I shall show to you, influences at work in 1886, still there is an increase under the existence of the National League from 180 to 209. So these are eras or epochs you can mark. There were 648 under the old League, 263, under comparatively no action of the National League, and 389 notwithstanding the Crimes Act up to the summer of 1885, and the policy of 1886; 389 you have in 1885–6.

(*Mr. Justice A. L. Smith.*) There are no figures put in, are there, which give us the monthly crimes in the different counties in any year?

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(*Sir H. James.*) Yes, certainly as to some.

(*Mr. Justice A. L. Smith.*) I know it can be got; but I think it is not in evidence.

(*Sir H. James.*) Whether it is in compendious form or not, I do not know; but, if not, it shall be extracted.

(*Mr. Justice A. L. Smith.*) Can you give me any page where I can find it?

(*Sir H. James.*) We have made this out from the tables which are in and collated them. Will your Lordship look and see if that is what you require.

(*The President.*) This is only a statement of what appears in the appendix.

(*Sir H. James.*) Certainly.

(*The President.*) Have you another copy? Perhaps you will give one to Mr. Davitt.

(*Sir H. James.*) Certainly. This, I believe, does not show it in the counties.

(*Mr. Justice A. L. Smith.*) Never mind, it shows the crimes in Ireland.

(*Sir H. James.*) We have done all we can for your Lordships in this respect. You will observe, and Mr. Davitt will observe, in 1879 there is no separation between the threatening letters and the other agrarian crimes. Then in the later years, the crime is only given by quarterly or three-monthly periods, and not by monthly periods.

(*Mr. Davitt.*) On this point, perhaps Sir Henry James will allow me to call your Lordship's attention to Mr. Charsley's return of outrages put in on the 17th January. You will find there the number of threatening letters in each year from 1879 down to 1886, and in 1879, 1880, 1881, and 1882 they come to a total of 6010.

(*Sir H. James.*) My Lord, they are separated in those lists.

(*Mr. Justice A. L. Smith.*) It does not make much difference if you take the threatening letters out altogether in the relative proportion of rise and fall of crime.

(*Sir H. James.*) That is the point.

(*The President.*) I see that Charsley's total is referred to in this. In fact, it is all taken from Charsley's evidence.

(*Sir H. James.*) My Lord, a very few extracts, if you will allow me, as to the state of this county of Kerry of which Mr. Harrington has spoken. I can only select instances of what the action of the Land League was in the county. At page 2263 there is an article from "United Ireland" describing the comparative condition of the county Kerry.

"Look"

(the article says)

"at the state of Kerry at this moment. Was there ever such a picture as that presented at the Winter Assize; peasant after peasant arraigned before juries of packed emergency men, and sentenced by a judge at 3,000*l.* per annum for a system of criminal warfare which everyone who knows Ireland feels that these unfortunates believed was absolutely necessary to keep a roof over their heads? We remember the time when Kerry was a county as quiet as the grave; when its member, Henry A. Herbert, in the debate on the Westmeath Act of '71 was able to rise in his place and boast that in purely Celtic counties like his there was no crime, and that agrarian outrage was confined in districts infused with English blood, like Meath and Tipperary. What has changed it? Principally the malpractices of a couple of agents ruling over half its area, whose bloated rentals grew swollen under their hands with the sweat of dumb and hopeless peasants."

Then in confirmation of the view that crime was of recent growth in Kerry, at page 954 there is this:—

"Unhappy Kerry, that once was one of the most tranquil and happy counties in Ireland, that now is the most turbulent and blood-stained, the prey of the moonlighter, the evictor, the coercionist. What is to be done with Kerry? Whose is the reproach of Kerry. Kerry is a problem which should make thinking men of all parties pause, and face to face with Kerry we should even hope that amongst our enemies there would be men who would give over screaming for a little, and strive with a sense of awe to find the truth. Here is Kerry, the most coerced, the most policed county under English rule. It is only a fortnight since Judge Murphy, at the Cork Assizes, inflicted on some dozen moonlighters most terrific sentences—penal servitude for 25 years, penal

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“servitude for 14 years, and so on. Hot foot upon these sentences comes the murder of unfortunate Fitzmaurice upon the high road at Ahabeg. Kerry has more police in proportion to its population than any county in Ireland, yet in Kerry there is most agrarian crime, and most crime of any kind that is never detected. Last year Mr. Balfour’s administration increased the immense extra police tax of Kerry at one bound by 4,000*l.*, yet crime only grows more desperate. The administration of Kerry grows more severe and more expensive. There is something rotten in the state of Kerry.”

Then there is something political which occurs. This is what I wish to read—

“Kerry is a conclusive verdict against English rule in Ireland. It must never be forgotten that Kerry was not always a county of evil fame. Ten years ago moonlighting was unknown there.”

That is the point, though I have read the rest of the article, to which I wish to lead up.

“Ten years ago moonlighting was unknown there. Its history since then is the history of the English misgovernment in epitome.”

My Lord, this appears in “United Ireland,” but it is a reprint in the “Kerry Sentinel” of February 3rd, 1888. Whilst it appeared locally it did come from “United Ireland.”

(*The President.*) I am reading from its reprint in the “Kerry Sentinel” of February 3rd, 1888. Then what was its original date?

(*Sir H. James.*) It must be late, because it speaks of Mr. Balfour’s administration.

(*The President.*) Yes, it must; but I want to see.

(*Sir H. James.*) I do not think its date appears. I think it only appears from “United Ireland.”

(*The President.*) It would not make any great difference, but I wanted to see what the 10 years were.

(*Sir H. James.*) Now, if your Lordship pleases, I have read these extracts for the purpose of showing that this county of Kerry had been a quiet county, and had been a county where moonlighting had been unknown. I have shown your Lordship the increase of crime; but now I wish to take rather a more general view, if you will allow me, of what was going on under the National League. We have, I think, for the first time, a new system, and that was of the National League holding courts. When I say a new system, it is not a new idea, because it had existed no doubt, but as boycotting was intensified, so the holding of courts and exercising authority throughout the land also, developed itself. You will find Captain Slack’s evidence at page 2159. He is dealing with this subject, and he is asked when he first commenced to keep the book. He says:—

“I think about the time of the National League—it may have been in 1834.”

He says he obtained it partly from information; that he made inquiry into the truth of it:

“(Q.) What number of land courts have you a record of in the year 1885?
—(A.) 215, I think it is. (Q.) In what counties?—(A.) The eight counties which I enumerated before.”

And in the year 1886 he has as many as 221. The eight counties are found at page 2155. It is not immaterial, and if you look at those eight counties you will see some information conveyed to you as to the number of protection posts which of course represent the danger to persons. These counties would represent comparatively peaceful counties. You will see the protection posts. In those eight counties, including Carlow, Kilkenny, Queen’s County, the two Tipperary ridings, Waterford, Wexford, and Wicklow, in 1872 there was only one. In 1880 they became 12. In 1881 they were growing—49. In 1882, 90. The Land League ceasing, there is a fall at once to 54. In 1884, a comparatively quiet year, 29; 1885, the same observation, 22. In 1886, 38, again springing in 1887 to 39. The details I need not refer to. They are given in the following page for each county. Now, I should like before I

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pass to other matter to remind you of Captain Slacke's evidence. I must ask your Lordship I am afraid, to accept my statement of figures from a summary of Captain Slacke's evidence. Your Lordship will find his evidence at page 2315. That is the cross-examination. It is in that cross-examination that the figures I wish to give to you will be found. He gives instances there which of course without reading it could not be collated. I refer you to the evidence. He gives 20 instances of outrages following denunciations. Page 2125 is his examination-in-chief, and page 2315 his cross-examination. Now, those are outrages following denunciations. He gives five instances of cattle-maiming and being killed. He gives of course many of such offences, but five of those persons were named by name. One of firing at the person; two of property burnt; three, houses burnt; two, injury to property, and two persons who submitted to the edict of the Land League. I think the principal reference you will find in support of what I have said at page 2315, and the following pages. As I said, having summarised it, I hope your Lordship will allow me to give you reference to the matter rather than ask me to read it, but I say that is the result of Captain Slacke's evidence.

Now, my Lord, there is one detail of evidence at page 2435. That is the evidence of this man, Michael Dowd. I hope your Lordship will forgive me for referring to this instance again, but it seems to me typical of the extent to which boycotting could be carried. I have referred to it, but I wish to refer to it more in detail. It is the statement of a man who became a member of the National League. At page 2435 he says, "Father Scully was the curate."

"Do you know a man named Jeremiah Shea?—(A.) Yes. (Q.) Had he any office in it?—(A.) Not the first year that I joined. He was at the last. (Q.) Afterwards did he become a vice-president?—(A.) Yes. (Q.) John Moriarty?—(A.) He was.

Then there was a land secretary mentioned. Also he gives other names. Then there is this:—

"Were any letters received from the Central League by the secretary?—(A.) There was.

Lower down he speaks of letters. Then he tells you of Mr. Fleming, who had been boycotted:—

"What had Fleming done to be boycotted?—(A.) I believe he turned out a tenant."

Then he says other people were boycotted, steamship companies, and so forth:

"Do you know a man of the name of Thomas Dwans?—(A.) I do. (Q.) Was there any resolution passed to boycott him?—(A.) There was.

His offence was that he had bought a cow that had been grazing upon an evicted farm. He came before the League:

"Was he pardoned?—(A.) No. (Q.) What was done to him?—(A.) He was told to do away with the cow, to bring her to the man that sold him the cow, and as soon as he did away with the cow he would get his pardon. (Q.) He had got the cow from a boycotted person?—(A.) Yes, and the cow was grazing on an evicted farm."

Then your Lordship asks what is it to lead to, and then we say what is it to lead to:—

"About this parson, Fleming, you have spoken of, did Mrs. Fleming die?—(A.) Yes. (Q.) Do you know a man of the name of Tom Croghan?—(A.) Yes. (Q.) Do you know a man of the name of Lynch?—(A.) Yes. (Q.) Do you know a man of the name of Hooleham?—(A.) I do. (Q.) Were these men brought before the League?—(A.) They were. (Q.) Were they boycotted; were resolutions passed to boycott them?—(A.) There was * * * * * (Q.) Did the Dingle League pass a resolution on the receipt of the one from the Ballyferriter branch?—(A.) They took the Ballyferriter resolution and granted it. (Q.) Did they draw up a similar resolution themselves?—(A.) Yes, they

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“ did. (Q.) Do you know a man of the name of Malone?—(A.) I do. (Q.) Was he boycotted?—(A.) Yes, he was. (Q.) What was he boycotted for?—(A.) For giving information to the police. (Q.) About what?—About a man that was in the run. (Q.) Was he supposed to have committed murder? What was he on the run for?—(A.) It was that he had committed some murder. (Q.) And Malone was supposed to have given information to the police about this man?—(A.) Yes. (Q.) What was the murder he was supposed to have committed?—(A.) That he had had some hand in. (Q.) Whom?—(A.) I could not tell. (Q.) Do you remember the time that Mrs. Fleming died?—(A.) I do. (Q.) Was she ailing for some time before she died?—(A.) Yes. (Q.) At the time she was ailing was Mr. Fleming still boycotted?—(A.) He was. (Q.) A few days before her death was a resolution passed at the League in reference to her?—(A.) By the Ventry branch. (Q.) Were you there?—(A.) No. (Q.) Was that resolution sent on by the Ventry branch to the Dingle branch?—(A.) Yes. (Q.) Was it read at the Dingle branch?—(A.) Yes, it was. (Q.) What was it?—(A.) That as Mrs. Fleming was so bad, they did not know what day she would die, and not to supply timber or anything to make a coffin for her. (Q.) Was a similar resolution passed by the Dingle branch?—(A.) They granted that. (Q.) Did the lady die a few days afterwards?—(A.) Yes. (Q.) Do you know yourself whether they were able to get a coffin for her in the district?—(A.) I believe they had to keep her two or three days. (Q.) Where did they go to get a coffin for her ultimately?—(A.) I believe it is in Killarney. (Q.) Dig evictions take place at Ballyferriter afterwards?—Yes.

Now, my Lord, I could go on multiplying these examples, but such was the course that at this time was taken. There is another instance I should like to give your Lordship, the case of these Connells, at 1767. I will only give you, if you please, the reference to that.

(*The President.*) That was, of course, a very shocking case of boycotting. But what I call attention to is what Mr. Reid says in the course of it, “I should think there have been hundreds and hundreds of boycotting resolutions already.” Therefore the extent of the boycotting resolutions is admitted.

(*Sir H. James.*) Yes, and carried to that extent. If your Lordship encourages me so to take that course I will very gladly not repeat them, but I have here, of course, a long list of them showing what was being done at this time. May I take it from your Lordship that that admission conveys, as probably it would convey, that there is no dispute that these boycotting resolutions were made by the branches and acted upon.

(*The President.*) Yes.

(*Mr. M. Davitt.*) I would respectfully take exception to what Sir Henry James says, that they were all acted upon.

(*Sir H. James.*) I did not say all acted upon.

(*Mr. M. Davitt.*) We have had no evidence that all these resolutions were acted upon.

(*The President.*) That is not the point. Even if not acted upon, we are now dealing with what was the action of the Land League branches.

(*Sir H. James.*) There is evidence, of course, of many of them being acted upon. If Mr. Davitt takes exception to the word “all,” which I did not use, I agree with that. Of course we could not trace these out.

What I am endeavouring to point out is, that at this time, as the National League branches spread in number, the evidence of boycotting resolutions and action upon boycotting is very much stronger than the evidence which existed in the Land League time. Then we were dealing with a more open speech-making policy that stirred men up to action. Here we are dealing with the more secret, insidious policy of resolutions passed, and resolutions too that were published and which must have had their effect. I would only remind you, as I am dealing with a later time, of a very sad case. One case only will I deal with at this time, that of Finlay’s murder on the

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5th of December 1885. That is at page 5026. The case I wish to refer to is mixed up with the action of Father Egan. Your Lordship will recollect the result of that was the murder of this unfortunate man Finlay, and the difficulty there was in obtaining a coffin. The evidence on that point is at page 528. There was an application by this witness to a timber merchant, the treasurer of the Land League. Then there was the difficulty in obtaining the coffin.

“ Did you ask him to have a coffin made for Finlay?—(A.) I did. (Q.) What did he say?—(A.) He said he could not, but he directed me to a man named Pearce, who, he said, made coffins. (Q.) Did you go to Pearce?—(A.) I did. (Q.) Did Pearce make the coffin for you?—(A.) No, he refused.

Then he goes to the clergymen, Father Coen and Father Egan, and then there came dispute as to what was said, to which I shall have to refer when I come to the conduct of the clergymen. So we learn when the man was dead, he having offended against the laws of the National League, the boycotting pursued him after his death, and no coffin was allowed, so far as these people could control the action, to be found for him. My Lord, I have a class of case to make. I do not know whether your Lordships feel that I ought not to trouble you with detail upon it, but I have a class of case which I should call overlapping, as affecting persons dealt with by the old Land League and persons dealt with by the National League. I have had carefully collected these cases, showing that in the same way that Mr. Harrington says the evicted tenants had been left as a heritage, so, too, were the persons who were marked down for outrage left as a heritage. I will give your Lordship, if I may, reference only to one or two as examples. Will your Lordship refer to the case which was proved—what I will call Cullotty's case, at page 872. Also evidence is given on the point at page 941. Now, my Lord, what happened to that man. Moonlighters visited him and fired upon him. It was for serving writs.

(The President.) When?

(Sir H. James.) March 12th, 1882, is the original offence. On April 17th, in the same year, they returned and shot him in the presence of his family. It is at page 941. Then there came boycotting and threatening notices. Then we come to the new period of July 1885. Boycotting recommenced. The proof of that is at page 5080. There was denunciation of him as the “grabber.” Then in 1886, a child of his having died, he was unable to procure a coffin for the child. That is at page 874, Question 1231. I do not wish to refer to the matter further. Your Lordship will recollect the cross-examination that this man was subjected to at part of page 877, and the suggestion of some one, I think my learned friend, Sir Charles Russell, upon these points of land-grabbing and so forth, that it was necessary to cross-examine this man to very very personal matters which had no bearing upon this action. One other instance, at least, I will give to your Lordship. That is Mr. Edward Herbert who was a county court bailiff. In 1881 he served some process. That is page 857. In April there was a boycotting notice on the chapel, and his family were hooted, and stones thrown. In 1881 the “Kerry Sentinel” inserted statements about him. You will find that at page 5082, Herbert cannot get a pennyworth of bread, Herbert cannot get anyone to collect tolls. In the “Kerry Sentinel,” at page 5083, there is a statement that 30s. was voted to parties charged with assaulting Herbert. Then we have further treatment of this man at page 539. It is shown that his little girl was hunted in the road and his father stoned and bleeding. This went on to the suppression of the League. Then at page 858 it is proved, when the National League started, it began again. It began again in this way. On May 24th, 1886, the “Kerry Sentinel” published a resolution of the Ballyduff Land League, describing him as the notorious Edward Herbert. On June 11th there is a statement of a man working for him, and then, as you would expect, on June 14th he is shot as he is driving home. Then we have this strange thing, that whilst on June 26th, 1886, the “Kerry Sentinel” has an account of the outrage, describing it as a determined attempt to murder, and we can find no denunciation of him. Now in this witness box it is suggested that the man shot himself in order to account for the fact of these outrages having taken place. I will endeavour to keep my promise to your Lordship to take examples. If your Lordship will relieve me I will not pursue it. May I give one example which my friends suggest, and which I think is a very fair one, that conveys a great deal to us,

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and which will not render it necessary that I should again go over the facts. That is the case of that man which your Lordship recollects.

(*The President.*) Yes, I have had it in my mind.

(*Sir H. James.*) Your Lordship has, I am sure, the reference, as well as, probably, an active memory, as to how he was pursued, and wrote to Mr. Davitt asking for release, and that that system of boycotting him was pursued during 1881 and 1882, and then renewed again, as he told us, and he was shot at in the later years. I will not pursue this subject further, and dealing, as I am about to do, with one or two classes of men, I will now deal with those who had very important power in Ireland during the whole of those periods that you are inquiring into, namely, both in 1879 and 1882, and also the later years of the National League. These I mean are the Roman Catholic clergy in Ireland.

My Lord, you may be sure that I am about to speak of the Roman Catholic Clergy in no words of unnecessary attack, but it is absolutely necessary to deal with their position for many reasons. Some of my learned friends have seemed to think that if once it could be established that any Roman Catholic clergyman took part in the action of the Land League or the National League, sufficient proof would thereby be given that peace and goodwill must exist within that body, and that no improper action would occur; and, my Lord, there came, as I said, from some of my friends a question which was almost formulated.

“Did the parish priest assist you? Did he hold office in the League?”

And that seemed to content my learned friends, and they supposed they had established much in that behalf. But, while I am about to deal with the Clergy as a whole—with everyone of them—in language which shall not be unnecessarily harsh, there is matter, and grave matter, I submit, for your Lordships’ consideration to show that, unfortunately, many of these clergy neglected their duty, and not only neglected their duty in the making of peace amongst those who represented their flocks and were in their charge, but that they were active agitators, participators in action which I am asking your Lordships to condemn, and that they were forgetful of their duty, and were forgetful of those principles that have guided the Roman Catholic clergy in their actions for good, their good works towards men. My Lord, I am about, if you will allow me to draw a distinction, a great distinction not only between particular men, but also between particular classes of men. I wish to draw a comparison between a class of clergy well known in Ireland and those who, equally well known, have taken different parts in these transactions. I would notice a class represented, perhaps, by Archbishop Walsh, of whom your Lordship may be sure I shall not deal with in language which I described as of a harsh character. Archbishop Walsh told your Lordship how little he knew of these matters. He told your Lordships that he was under the impression that the “United Ireland” newspaper never came into existence until after the suppression of the Land League. He told your Lordships that he thought the “Irishman” newspaper had ceased to exist before the Land League came into operation. He told your Lordship that those articles that he read or had read to him were most abominable in their character, and he had to express his censure upon all that boycotting with which we have been dealing, and to say in his opinion it was not permissible. He had to pass condemnation upon at least one of the Roman Catholic clergy, and one really asks can that man still be an officiating clergyman; and if I had to deal with that man, actuated by the same views, by the same want of knowledge, by the same inactivity in these matters as Archbishop Walsh, I do not know that I should have thought it necessary to deal with the Roman Catholic clergy at all. Apart from mere men, and the views of men, I ask for a classification of these clergy. Your Lordships will find that whilst the line is an irregular line, yet there is a line to be drawn between two classes of the clergy, namely, between the parish priest and the Catholic curate. It is not a line that I myself am creating, but it is a line that you have upon the authority of a Roman Catholic clergyman. The witness I refer to is Father Godley, who gives his evidence at page 5137. He says this, at page 5140, speaking of the priests, and first of the outrages:—

“Do you know the class they belonged to?”

Those are the moonlighters.

“(A.) Well, all the people of the parish. Amongst the people of the parish “the priest has a certain restraining influence, but he has not that entire

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“ influence. (Q.) When you say a few had been left free to your influence you
 “ would have restrained them, must not you know the class of people who
 “ belonged to it?—(A.) Restrained them to an extent, but when they once get
 “ out of your hands, it is not easy to get them back. (Q.) Who were the class?
 “ —(A.) The people of the parish, farmers and labourers. (Q.) So that,
 “ therefore, if outrages were committed, they must have been committed
 “ by the inhabitants of the parish. Were they not committed, as far,
 “ as you could ascertain, by farmers’ servants, and farmers’ sons?—(A.) It
 “ would seem so in the absence of any others. (Q.) And is it the conclusion you
 “ came to that the farmers’ servants and farmers’ sons were acting in hostility to
 “ the interests of the farmers?—(A.) They had their own object in view, and it
 “ does not follow. Some of them were broken-down farmers. (Q.) What was
 “ that?—(A.) Some of them were broken-down farmers. I know for a fact
 “ where they went, and several moonlighted their own parents. (Q.) That
 “ was a sham moonlighting?—(A.) Well, some of them were rewarded by the
 “ Government for sham moonlighting. (Q.) Was there anybody hurt by the
 “ sham moonlighting raid?—(A.) Well, I suppose not; hardly I should expect.
 “ (Q.) Do you know whether it is a fact that out of 51 branches in Kerry 32
 “ were managed by priests?—(A.) The parish priests were allowed to take part,
 “ but the parish priest of Kerry have not much of the Nationalist in them.
 “ (Q.) What?—(A.) They are old Whigs, and have much of the fossil in them.
 “ (Q.) They are not of the Nationalist order?—(A.) They let things go too easy,
 “ I may say, the bulk of them. They do not take as much trouble as the young
 “ active priests do. (Q.) In getting up the agitation, was that so?—(A.) In
 “ Kerry they do not. (Q.) They do not take so much trouble as what?—(A.)
 “ In working the League properly. (Q.) In the proper working of the League,
 “ do you include the boycotting of people?—(A.) I include keeping the people
 “ together, and keeping them as one body.”

Now, my Lord, the proposition that I am submitting, founded to a great extent upon that statement, but founded also upon evidence that we have given in great detail to you, is, that there were two classes of priests, viz., those who in the minds of many, even of their own class, represented “ old fossils—old whig fossils,” quiet peaceful men, who did not stir the people up to agitation, and those priests, representing, I would hope, the substance and the truth of the Roman Catholic Church, may well deserve like Father Donovan, praise even for their inactivity. My Lord, they received much exhortation; they were on public platforms reproached. Men, in speeches that we have read to your Lordships, were attacking them and urging them into action. Among speeches I could give your Lordship reference to was one by Mr. Harris at Kiltoom on the 17th of October 1880, to be found at page 342 of the speeches. He says:—

“ The man who will not come forward to support this movement is a bad
 “ Irishman and a bad Catholic. And in some of my other speeches—there is
 “ not a man here has a higher respect for the Catholic hierarchy or clergy—I
 “ am the last man to say a bad word, but I have said a thousand times, if these
 “ men were sincere in their desire to save our people, they have a splendid
 “ organisation, priests in every parish throughout the country, if they throw
 “ themselves with the people, the most tyrannical and strongest Government in
 “ Europe could not keep from you the rights you demand. If they do not desire
 “ to come forward they should at least hold aloof, and not be trying to trammel
 “ and crush down men like myself, calling them bad names and applying every
 “ foul epithet they could to crush us down, if they are not inclined to do anything
 “ themselves.”

There are similar speeches by others. There is a speech of Boyton (at page 389) on 19th September 1880. He says:—

“ While I pay my humble tribute to these to-day, I call upon the prelates
 “ and priests of Ireland who are standing back from the people’s cause to follow
 “ the priests of Tipperary.”

There is also a speech of J. W. Walsh at Kiltulla in August 1880. He says:—

“ I am exceedingly sorry, as a Catholic, that your parish priest has not come
 “ here to grace this platform to-day, but instead of doing so he thought fit

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“ to say that this meeting was got up by strangers. Well, I do’nt consider
 “ myself a stranger in Kiltulla, nor do any of the gentlemen whom I see around
 “ me. We are all Irishmen, and we should be brothers. Perhaps Father Pelley
 “ does not like to displease some of the lords in the neighbourhood who hold
 “ the land under the title granted by Cromwell or Elizabeth, or the broken treaty
 “ of Limerick. Father Pelly may think he has a right to the land, but I tell
 “ him that he has no right to the land—that the land belongs to the people.”

So, my Lord, I could, if necessary, continue with extract after extract. I do not do so. But the result was this. Whilst the older priest, the priest with greater knowledge of his country it may be, remained firm and was not led into action, the Catholic curate, the younger priest of whom Father Godley spoke, was more prone to action and became more identified with the National cause. So, in the examples I have to give to you, your Lordship will see, in most cases, it is the Catholic curate that comes into play.

My Lord, I really do not wish to raise a smile in this case, but I have this view, which is the national view, reduced into poetic statement, in the work of Mr. Timothy Sullivan. I am not versed in reading touching stanzas of this kind, so I would ask one of my younger friends to read it. It is not evidence, but it is a quotation.

(*The President.*) Is it so long that you want to be relieved of it?

(*Sir H. James.*) No, it is only one verse. Your Lordship will see how completely it expresses the political view of these gentlemen in respect to the Catholic curate. This is what he says. I used it as an historical quotation:—

“ We all revere the great Arch-B.”

I suppose that is an Archbishop.

“ We much admire the deep D.D.”

I suppose that is a Doctor of Divinity.

“ We know the worth of the good P.P.,

“ But the man we love is the R.C.C.”

That is a condensation of what I have said to your Lordship. That is the gradation. Archbishop Walsh, the Doctor of Divinity and the parish priest, are all very well, but the man we love is the Roman Catholic curate, or R.C.C.

“ The kindly, friendly R.C.C.,

“ The Church’s bravest soldier he ;

“ The hope of Ireland, bond or free,

“ The fearless patriot, R.C.C.”

I am sure you will recognise Mr. T. D. Sullivan’s nationalistic stanza. That was and is really the truth conveyed in the recurring verses that assert the view that it is to the Catholic curate, the younger soldier of Father Godley, that the action of the Land League was entrusted, and they—not fettered by experience, not perhaps controlled by the same bounds of allegiance, whether it was to papal rescript, whether it was to the view of their bishop or archbishop—entered into this warfare, and, as I will show to your Lordship, they did so, I am afraid, in language which was unrestrained, and with example that was most pernicious in bringing their flocks, to whom peace and good-will ought to have been taught, into active opposition against their neighbours. My Lord, I am afraid that of all the common ordinances of humanity, represented by a man’s duty towards his neighbour, there was entire forgetfulness in the doctrines taught by these priests, and there was entire forgetfulness of the example they ought to have set to their flocks.

(Adjourned till to-morrow at 10.30.)

Thursday, Nov. 21. '89

James within measurable distance of his End?

* "Says for" the "R.C.C." (Caretis) *

speeches
635 — Rev. Mr. Henry 12 March '82 — at Shanonglyn? (Bau-as read)
524 — " Arthur Murphy 11 Sept. '81 (The "Right Boys" speech)
245 (evidence) (13 Sept. '81 Reported in Kerry Sentinel)

171 Reference to Brown)

272 — — — — — Arch. Walsh on Fr. Murphy speech

(62715)

558-60 — — Rev. Mr. Rowan 7 Aug. '81. ("Blowing up London speech")

648-9 " Mr. Ryan 28th Sep. '84 ("Read between the lines of the rules of the League")

097 — Harris on denouncing crime.

839 (speeches) Rev. Mr. Hackett 28 Apl. '85. ("Buller & Moonlighters.")

970 " " Mr. De Laar

~~Steps here with the R.C.C. 7 Speeches out of 100,000~~

League speeches relied upon to prove the doctrines taught by the

448 L.H. Rev. P. Egan of Woodford ("Crime followed steps of Rev. Fr. Egan.")

56) " Father Bodkin.

4605 " Thomas Considine (Salvage Priest)

4312 (Speech quoted from)

4322 — — — — — Denunciation of crime during this period — from 1883.

2210 — — — — — May 5. '83 N. Ireland quoted from. In Philadelphia con.
(A good article on the whole.)

* (See my letter to Ferguson at or about same date) *

2207 Section by Wm. O'Brien (announced) to deliver and fund fair
trial Phoenix Park

4699 Wm. O'Brien Evidence. Denunciation crime &c.

5208 Denunciation moonlighting. Branch League. Resolution

286 Rev. P. Honnor again introduced. (Good matter quoted)

92 — " " " His views.

(Everything must have originals) James infereces most
atrociously unfair.

284-5 — Evidence F.O.C. again
(81166.)

196 — — — — — Rev. D. Harrington on moonlighting.

(Does not what he says complete reputation of James
deductions)

* (See this Carter's last speech) *

961 — Some denunciation

(James still raving about outrages & denunciation)

6150. Cork Herald denunciations.

J. D. Sullivan's pamphlet-

4380 - Rev. Jno. Molony, on Boycotting.

4232. Something from H. Ireland.

3316 - Some admission by Russell re/- correctness quotations
"Parnellism & Crime".

3279 Russell again admitting something
Manchester Martyrs (James calls a "foul murder")

771 Speeches. (The Daley speech (Moumt- / read:

Johnston of Kanturk on same subject.

5645 - address to Davitt in New York - Portion dealing Manchester
Martyrs only.

4783 ... O'Brien Wm. on same (evidence)

3787. argument Russell speech.

(64 persons only referred to as denounced)

69 mentioned by Russell

("Bound to limit our case more or less.")

2006. Capt. Plunket

2156. New York Protection posts.

* (James driven to particularise the 9 or more
persons outraged who were denounced) *

28th April 83 Minute Book. R. L. on defence prisoners

(James deals very lamely with my charge
that I was not at first included among the persons
charged.)

(Defends & praises Atty Genl.)
also Doames.

(This exordium meant as left-handed apology for what
has been said & not proved)

14 "Informers" ^{said} ~~called~~ by James (have been called).
(Gives names)

John, Coleman, Buckley, Geo - to be dealt with.

96 people named by these - 4 only called.

5211 Honor. John M. Carty. { names 4 persons called.
Bernard.

1710 Henry Honnor.

James

{ James
must
weak and
ineffective
on this point

How many persons not called, dead, emigrated or in prison.
gives brief account each of the "African" informers.

(Of informers accusations to him about these persons why
have they not been arrested by the police & prosecuted, if the
informers stories were believed to be true? This answer is

James insinuation.

223 Mr. Tierney, replied too.

("Those who ^{had} ~~given~~ evidence ~~to~~ for protection more than
protection — Certainly, Delaney?

(Neither persons alleged to have committed outrage nor
the informers who confessed to crime — ever prosecuted!

James says Igo committed the murder. Then says man suspected fled
to America!.

James does accept - Mr. O'Connor "with a qualification."

410 Coleman.

436 - Rally letter.

848 - Davitt praises Rally.

Persons who sh^d have been called - according to James.
613. Russell stated abt. witness that sh^d be called

“Uncorrected Proof.”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT No. 1.

Thursday, 21st November 1889.

(*Sir H. James.*) My Lords, I had yesterday afternoon endeavoured to find authority for my statement that there were graduations of action and conduct in the Roman Catholic clergy, from the writings of Mr. Timothy Sullivan, and I will now, with your permission, proceed to show how it is that Mr. Sullivan and those who agreed with him regard the Roman Catholic curate as being “the hope of Ireland,” and as being “the fearless patriot,” as Mr. Sullivan described him to be.

My Lords, I have to read some few, it shall not be many statements, made by these reverend gentlemen which I do not think, as yet, have been prominently called to your attention. The first I will read to you is a speech which has been proved at page 635 of the speeches—it is a speech by the Reverend Mr. Kenney, who was a Catholic curate made on the 12th March 1882. He says:—

“Where any members will not help the body, the body will sicken; and so, too, if the farmer is made snug he can make the shopkeeper snug, and the shopkeeper, he can make the artisan snug, and they all can make the labourer snug if they work together, then the body politic of Ireland will be strong and vigorous. Do you think now, my friends—listen—do you think would I go to the funeral of a farmer who was not a member of the National League? I’d let him go and be carried in an ass’s cart (laughter), and I’d tell him to go and get a bailiff and landlord to bury him. Do you think would I help him to haul up his old cow out of the bog-hole? I’d do no such thing. I would tell him Go to the landlord and bailiff and let them help you.”

My Lords, as I am reading these clergy speeches, I will tell your Lordships who are curates and who are not. The next speech I will read is that of the Rev. Arthur Murphy, from the book of speeches at page 254. This is what that gentleman, who is a Catholic curate, said—

(*Mr. Justice A. L. Smith.*) Is that the 11th September.

(*Sir H. James.*) 11th September 1881, my Lord.

“We have been fooled out of our rights for the last two hundred years, and it would be much better for us to fight against our enemies on the battlefield than starve in workhouses as we have done. (We will not do it.) Fight the peaceable fight you are fighting and you will succeed. Unite; no man should go by the back stairs into the rent office; go in a body, or don’t go at all (they are going that way here father)”—is an exclamation from the crowd.

“I should think there are plenty of night boys about here to see them (cheers). I think that the cause has made great progress. One good thing you have cooked the small land-grabber. He is done brown.”

That is the man’s name, my Lord.

“You have yet to cook the big land-grabber, and the big land-grabber well merited it.”

Then there was some confirmation given to this speech by Mr. Kelly. He was the organiser for Kerry, and spoke at the same meeting on the 11th September, and when

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[Continued.]

I said confirmation I scarcely used the right term; but it was a reception of Father Murphy. When he arrived the speaker said:—

“ It is a fact Father Arthur Murphy came all the way from Ardfert to be
 “ with us, and he has come here to do his duty—(Voices: He is welcome)—and
 “ I trust that every man who is present here to-day will do his duty likewise.
 “ (Cheers.) My friends, now that Father Murphy is here on the platform, I am
 “ sorry that he did not wait for a few minutes more before he would put in an
 “ appearance, because he has put me upside down. That splendid ringing cheer
 “ you gave him completely addled my head, and it has not even left a single idea
 “ in it.”

I read that to show that Father Murphy was recognised as a person who spoke with authority, and those words he spoke about the night boys seeing them would be well understood. My Lords, would you also note that this speech is reported *verbatim* in the “Kerry Sentinel” of the 13th September 1881. I see in the report here, which I did not quite appreciate for the moment, the speech here is referred to as being the speech of a Mr. O'Reardon, which I am told was corrected afterwards in the note; it was corrected in his evidence by Mr. Harrington, who said it was not part of Mr. Reardon's speech, it was the Rev. Arthur Murphy's, and there his speech is set out as far as these words are concerned identically as I have read them.

“ But a great deal more remains to be done before the farmer owns the land
 “ he tills. They should fight the peaceable fight, and no man should go in by
 “ the back stairs to the rent office. (A voice: They're going in after nightfall).
 “ He should think there were plenty of night boys not to see them.”

The words, “There are plenty of night boys about here to see them,” are the words that are proved in the report. As far as I know that speech is published without any comment, without any reference being made to it by way of deprecation of the words used.

(The President.) Where does it appear, what page?

(Sir H. James.) The page I have read from is 1245. Will you allow me to remind you that the reference to using the word “brown” in reference to this Mr. Browne, is to be found at page 1171, and that refers to a proceeding of the Castleisland Land League as reported in the “Kerry Sentinel,” and there Mr. Murphy seems to have been present, because it says there, on the sixth line from the head of the page:—

“ After the enrolment of some members the chairman said: Rev. Father
 “ Murphy and Gentlemen, I am glad to have to inform you that Browne of
 “ Scartaglin is to come before the meeting to-day, and I believe it is the united
 “ action of the Land League that has forced him to give up. Browne here
 “ entered the room guarded by two policemen with loaded rifles, and followed by
 “ a vast crowd.”

And then followed the discussion, the whole of which I will refer to says the Attorney-General. Then, my Lords, the chairman, who is Mr. Kenny, says:—

“ Well, Mr. Browne, are you going to give up your land, I mean Horan's
 “ farm?

“ Browne: I am not. (Sensation.) I will give it up to the man that gave
 “ it to me, Sir Maurice O'Connell, and I was not forced by the landlord to take it.
 “ It was my father that got this land for Keane from the landlord, and I thought
 “ as it was going to anyone I ought to get it, and if I thought it was any harm
 “ to take it I would not. (A voice: Give it up now, and it will be all right.”

“ Browne: I can't stir with the blackguards. (Sensation and cries of with-
 “ draw that.)

“ Rev. A. Murphy: He did not intend that expression for the members of the
 “ League.

“ Browne: Oh, I did not.

“ Father: It was the little lads of the town and the auld women that can't
 “ let me alone.”

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[Continued.]

Then, my Lords, it proceeds about the payment of the rent, and Father Murphy seems to take part again in the discussion.

“ I am aware it is worth too little and I am aware also that there can be very little expected from Sir Maurice O’Connell. I wrote to him in the beginning of this business, and he had not the common courtesy of replying. The Ven. Archdeacon O’Connell then wrote to him (Sir Maurice) and he gave me a fortnight’s time to see if poor Horan would send money from America. Before you to-day stands poor Mrs. Horan the picture of misery. Her husband in America and her two children in eternity since this eviction.

“ Chairman : On what terms will you give up this land, Browne ?

“ Browne : If I got my money sir, I have no hold of it.

“ Father Murphy : You will get the 15*l.* and give up the poor woman’s land.

“ I will make it up for you. A voice : He should give it up without anything.

“ Father Murphy : I will lend myself then, and let him (Browne) give up the land.”

I refer to that simply to show that what was referred to there was having succeeded in obtaining the wish of the Land League in respect to Browne.

I am anxious not to be expressing too strong a view in respect to anything that these reverend gentlemen may say, but, my Lords, this view I am suggesting to you in language that is I hope moderate enough is expressed in more forcible language by Archbishop Walsh, language of condemnation of this Mr. Murphy, at page 4272, the Archbishop had his attention called to this very paragraph which I have read to you, question 62,715.

“ Do you think there was anything in that language calculated to hold a man up to danger?—(A.) It was manifestly most improper language.”

said the Archbishop.

“ Are you quite sure that that particular ecclesiastic is holding any ecclesiastical office in Ireland.

(*The President.*) “ I beg your pardon, I did not catch what you said.

(*The Witness.*) “ What I asked was is Mr. Atkinson quite sure that the person using that language is holding any ecclesiastical office of that character in Ireland.

(*The President.*) “ I suppose you are referring to what was said about night boys?—(A.) Yes, that evidently regards moonlighting, I can hardly believe the possibility of any bishop in Ireland allowing such language to be used in Ireland and not dealing with it the next day.”

My Lords, of course amongst the numerous witnesses whose evidence might have assisted your Lordships, but who were absent, the Rev. Father Murphy is one, but as far as we know that reverend gentleman is still performing his duty as a clergyman, and we have heard of no reprimand except that which was given in the witness-box being applied to the reverend gentleman, for his dealing with moonlighters, in language which Archbishop Walsh said is most objectionable.

Then, my Lords, I will read at once an extraordinary speech of the Rev. Mr. Rowan of the 7th August 1881 ; also a Catholic curate. It is at page 558 of the speeches. I am reading from page 560 :—

“ Now, I am going to speak on a little matter that I would be most particular Mr. Stringer would take down. If our two young friends had opened a class of chemistry—and I must tell you first nothing in the world is more easy,—and if they had taught their companions how to make gun cotton ; how to prepare collodion and solution of ether, and the subsequent state in equal admixtures of nitric and sulphuric acid ; that is the sum, and I can teach it in a quarter of an hour’s instruction by a few grains of this little pleasant compound they could blow up, with the twinkling of an eye, all London in fragments no bigger than grains of sand. (A voice : ‘ Three cheers for the man who does it.’) I do not say that, but what I mean is this, that had these young men lent themselves to this suspicious amusement, I

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[Continued.]

“ could very well understand why there would be a fluttering in the dove-
 “ cote. I could easily perceive the landlords quaking in their boots, and
 “ the small Protestant faction so domineering, and so insolent in this town of
 “ yours, lifting up the whites of their eyes to heaven, seeing visions of a
 “ gunpowder blast above the clouds, and setting all Dublin Castle on consumption
 “ by a flood of electric matches. But when two young men of irreproachable
 “ character and most peaceful habits are arrested simply because they are
 “ Father Fehan’s friends, and your friends, and my friends, you may rest
 “ convinced that the cause in which they worked so energetically with us is
 “ doing good business, and with more union amongst ourselves we will make it
 “ do better for the future.”

My Lords, we may think in this Court that this language is, I may say, stupid language, that it may mean comparatively little; but if your Lordships recollect what this time was; it was the commencement of the dynamite action in this country in 1881, and it was addressed to men who would regard their Catholic priests as speaking to them in words of seriousness, and they would regard that if their conduct came within his words that it not only would be just and right, but that it would be sanctified by the teaching of their Church, and these words cannot be treated lightly when you consider to whom they were addressed. They may not have produced in that town explosions by the means which are suggested here, but it was a general teaching that such acts as were at that time, and certainly shortly afterwards taking place, or being committed in this country, were not acts that would be deserving of censure; it was teaching war of all kinds against those to whom they were opposed. To justify rather what I am saying as to the way in which such teachings were accepted by those who listened to these reverend gentlemen, I would call your Lordships attention to the language that I see was used by a Catholic curate, the Reverend Mr. Ryan, at page 648 and 649 in the speech book; this is the 28th September 1884. There is just one comparatively harmless sentence. He says:—

“ For there is a majesty in public opinion that, if properly brought to bear,
 “ will render it impossible for any man to run counter to it and live in the
 “ country. You have got to form the public opinion, and to fix its power in
 “ such a way as to make the place too hot for such a class of person. We are
 “ doing a little of it in Timahoe, and the experience of our success makes me feel
 “ that a great deal can be done elsewhere.”

Then, my Lords, he proceeds:—

“ We are all bound together by that bond of mutual interest, and one party
 “ cannot succeed without the other party also acquiring success. Therefore, I
 “ beg of you to be true to the cause, not only by the written law of the League,
 “ but be true to its spirit. For there are a thousand and one things which are
 “ written between the lines—one thousand and one things which are not expressed
 “ but ought to be understood. I want you to be as true to that which is under-
 “ stood as that which is expressed. And the man who says ‘I am a member of a
 “ branch of the League,’ and I am true to the rules of the League, I tell that man
 “ he is not. He ought to be true to the spirit of the League also.”

My Lords, what I am afraid I have more than once mentioned to your Lordships I cannot refrain from repeating. This is the truth what this reverend gentleman said, the teaching of the peasant who listened was; you understand what we mean, the written law which would be evidence of record will not be found containing definitions of crime to be committed, or directions of crime to be committed, but it is the spirit of the understanding of that law which you ought to follow, which you ought to obey, and it was that spirit and that understanding which could have been controlled by the action of the leaders, but which was never fashioned and shaped to stay outrage, but for the purpose of committing it. It is these words, every one of them, which went to the hearts of the people when they heard their priest teaching them; and though there were a thousandfold denunciations of crime, they would not do away with the evil effect of these insidious words that such a priest as the Rev. Mr. Ryan was preaching. My Lords, you will recollect what very little effect

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[Continued.]

the counterbalancing words of denunciation had when spoken on the platform to meet these words, these teachings in favour of crime.

May I remind your Lordships of the view entertained by Mr. Harris of the effect that these denunciations would have on the people. He told you at page 6097 :—

“ I have not been spouting on platforms against crime, because the people do not regard such statements. They think you are addressing the police ; but in an effective way, where you happen to meet persons, as I say, who I thought were in touch, or perhaps might be in touch, with criminals, I was always careful to denounce crime. I knew it would be destructive to the public movement, and I disliked it in itself. (Q.) May I take it from you that denunciations of crime upon the platform would not have much effect, because the people would think you would be addressing the police?—(A.) I think so. The police themselves and the landlords were interpreted. If I said, ‘ Do not nail his ears to the post,’ then the people would say, ‘ He is talking to the police ; that is all gammon.’ ”

Well, my Lords, that was Mr. Matthew Harris’s view, that an open denunciation in the presence of the police would do very little good, but that the corresponding and counterbalancing view, such matter as I have been reading to your Lordships, when it is said : You understand the spirit, and act according to it. When it is said by another speaker : The night boys will see to that. That was the real teaching which the people said was in sympathy with the whole of the Land League and the Land League leaders, and, my Lords, this poison that was going forth must have required a great and powerful antidote to have met it, a very great and a powerful one. Those who were answerable for such speeches must have known that nothing, probably, which could be said, at least in public, would ever wipe away from the minds of men who listened to these words their effect, and we can find no trace that in public such men as the Rev. Mr. Ryan, who was saying : “ Carry out the spirit,” and “ You know what I mean,” ever endeavoured to wipe away the evil effect of the speeches they had made in public.

One more speech, my Lords, it is the speech of another Catholic curate, Mr. Hackett, page 839 of the speeches. It is spoken on the 28th April 1885. He says :—

“ Another resolution condemns land-grabbing in strong, and I may say, fierce terms. The land-grabber is a traitorous son who has thrust a dagger at the life of his mother-land.”

Then comes these words :—

“ There are various kinds of traitors as there are various kinds of dogs, mongrels, puppies, hounds, and curs of low degree. If we have not in this country those venomous reptiles that drag their length along the ground, we have poisonous human reptiles who drive their fangs into poor Erin’s side . . . this sore would have been fatal if Ireland were not immediately to remember the genius of Moore—

“ His country’s curse, his children’s shame,
“ Outcast of virtue, peace, and fame.

“ But the day for the bite of this two-legged human reptile will be soon brought to a close. The Land League is the dentist that will draw all fangs from the tribe.”

My Lord, I am making a selection, and but a brief selection. There is a speech of the Rev. Father McCrae, C.C., on the 29th of August 1886 (page 970 of the speeches). He says :—

“ They have sent over a general, Sir Redvers Buller—(cheers and laughter) ; he has a big title ; he is ‘ Knight Commander of the Queen’s Garter.’ (Laughter.) He has at his command five regiments of infantry and four regiments of cavalry to shoot down the unfortunate moonlighters of Kerry, who in their own ways are brave, and endeavouring with the little means they have to preserve their homes for themselves and their children. I wish to

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[Continued.]

“ recall to Sir Redvers Buller a little incident of the year '67, during the Fenian
 “ times. We have it on the authority of those who enrolled them and had charge
 “ of the Fenians in the army; there were twenty-five thousand Irish soldiers in
 “ the army of England, and thirteen thousand of those were in Ireland. One
 “ whole regiment (the 3rd Buffs) were Fenians to a man, so much so, that at the
 “ Curragh, where they were stationed, the colonel commanding used to have a
 “ threatening letter forced under his own door every morning; and I say yet
 “ there are Irishmen in the army, and Buller will find that the Irish soldiers will
 “ not carry out the work for Buller, the Knight Commander of the Queen's
 “ Garter.”

Well, my Lord, I could go on, but I am limited, in some respects, to time. I give you these as speeches which have been made at different times, running over the years 1881 to 1885. May I for one moment take the earlier of that period? Think what was going on in Ireland then. These reverend gentlemen were so speaking, finding praise and reward in the verse of Mr. Timothy Sullivan, and at the same time that the Irish peasants were being so taught by their priests, the Land League was at work with their organisers. Do you think that the evil done by such speeches as these in public was corrected by the teaching of such men as Sheridan, Brennan, Tinan, Boyton, working in private? What advice were they giving to the Irish peasant on behalf of the League? These were men selected by Mr. Parnell with the aid of the counsel of Patrick Egan. And these men, where are they, why are they absent? These were the men who, side by side with the preaching of these reverend gentlemen, were organising the peasantry of Ireland, and were organising them on behalf of the doctrines of which they had been themselves proved to be such conspicuous disciples.

My Lord, I have, unwillingly almost, made a selection of one or two of these priests, but I will postpone what I have to say, because it affects so much a later date, and what I have to say in respect to one specially, the Rev. Father Connor of Firies. I cannot, however, leave that subject entirely without referring to the evidence that was given before you by one priest.

I mean the Rev. Patrick Egan, but certainly in earlier times—the time of which I am speaking, he was a Catholic curate, and I think he is now—I believe quite recently he is a priest—but it is only material that at the time I am speaking of he was a Catholic curate. You will find his evidence at page 4448. What a tale it is for a Roman Catholic clergyman to tell. In the first instance he was at Loughrea, and then, my Lord, he was at Woodford. When he was at Loughrea he was president of the Land League. I am quoting especially from page 4456. I have given you the limits of his evidence, and as we know, and as he stated, while he was their president of the League, murders after murders were committed, some of them in broad daylight. The district was a district full of crime. There was no resolution passed by this League in any way; no aid given to detect the murderers, and, as Father Egan says, no denunciation except the murder of Mr. Blake, which happened in the Loughrea parish; also in respect to one murder, the murder of constable Linton, of which, my Lord, he says one was not an agrarian crime at all, and as to the other, that the murdered man was favourable to the claims of the tenants,

Then, my Lord, he has to admit that Woodford was very peaceable until he appeared there, and he also has to make this admission at page 4455, that after he left Loughrea there was perfect peace there. If crime seems to have dogged the steps of the Land League according to what we have heard, crime seems unfortunately to have followed also the Rev. Patrick Egan's steps. And then, my Lord, we may ask, how was it that we can find any trace of this reverend gentleman having had that effect upon the people. We know from him of his attempt to get a magistrate to sit on the bench to stand by the people, when this man of the name of Roche was being prosecuted. And, my Lord, we know what happened to the magistrate who would not agree. I refrain from speaking now of the duty of a Roman Catholic priest in this respect, that he was not content with dealing with the boycotting of a woman, and giving a reason to your Lordship for what he did in aiding her to get food so as to checkmate the authorities, but you will recollect that when he was asked to aid in obtaining a coffin for a murdered man, he declined to hold any communication with the messenger who came seeking his help, and refused to give any assistance, because, says this reverend gentleman, it is not our duty to get any coffin for the murdered

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[Continued.]

man. You will find that at page 4450. And the reason why he says it was not his duty is, that the messenger who came did not speak in the respectful language that he desired. Well, my Lord, of course there is that evidence which I would respectfully ask you to read.

There is also evidence which I will not mention in detail, but only refer you to, in relation to Father Bodkin at page 4615, and one other priest I would refer to, a parish priest, and that is the Rev. Thomas Considine, a very active priest in the Land League. He says at page 4312 "I was always present at the Land League meetings," and he says his parish is the very centre of the diocese.

Then at page 4322 we have him using this language:—

"I tell you that the wretch who has not joined the League, that man deserves
"to go down to the cold dead damnation of disgrace."

And your Lordships will recollect that this is the district that Mr. Alan Bell, at page 553, had spoken of. It is a district where outrages were taking place, and even this reverend gentleman admits that he knew of threatenings notices. My Lord, I have called attention to a great many other speeches, these speeches are in evidence before you, of course I will give reference to them if you will allow me. I will not say they are the language by any means of all the priests, because a great distinction is to be drawn in reference to the use of such language. Some of them being most active members of the Land League, those persons who were of course dealing with Land Leaguers would have the greatest weight, and, of course, these gentlemen speaking in the disturbed districts, speaking where it was most dangerous, that the passions of the people should be roused and kindled, though with that knowledge they used the terms which I have said coming from them, were intended to have effect in making the people continue in the course they ought to have stayed if they could.

I pass now to deal as I have dealt with previous years, with this denunciation of crime which was taking place during the period with which I am dealing. And I commence this period starting from the year 1883—the first year when the National League, of course, fully commenced its operations. And I wish to say, of course silence was giving ear to these matters—silence—that is the non-denunciation of crime—was giving somewhat of an assent to the crime. Now we commence with the formal announcement that appeared in the "United Ireland" of May 5th, and I will read it, my Lord, as being an editorial statement. It is a leading article, and this newspaper, as your Lordships well know now, was the organ of Mr. O'Brien; he was the editor and his name appeared upon it, and Mr. O'Brien at this time at least was not in custody; he was at large.

My Lord, the article in the first instance deals with general matter, and after saying that "O'Donovan Rossa has been left absolutely nowhere in the Philadelphia Convention," it proceeds—

"The advance made by the National movement in America since the Chicago
"Convention in November 1881, is marked by the different manner in which the
"Philadelphia gathering, last week, has been treated by the world. The Chicago
"assembly passed almost unnoticed in the English or American press, though it
"was attended by 1,200 delegates, and voted and sent 50,000*l.* to the cause at
"home."

Then it proceeds to deal with other subjects than those to which I wish to refer, and lower down on the page it says —

(Mr. Justice A. L. Smith.) What page?

(Sir Henry James.) Page 2210.

"When Irish leaders denounced violence or outrage in the past—they were
"either accused of hypocrisy, or their language was greeted with inuendos of the
"don't-nail-his-ears-to-the-pump or spoke-with-your-tongue-in-your-cheek order.
"Henceforward they —"

These are the Irish leaders, of whom O'Brien was one —

"Henceforward they intend to leave the work of denunciation to the persons
"whose proper business it is, and who are paid to look after it. The enemy's
"press never condemned the outrages against the people of this country, its
"constant misgovernment, the arrests, imprisonments, jury packings, perjuries,

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“ hangings, the expulsion of tens of thousands of families from their homes, the
 “ confiscation of their improvements, the plunder of their property, and the
 “ expatriation of millions of peasants unlettered and unequipped to a foreign
 “ shore. When these outrages are atoned for and redressed, it will be time enough
 “ for Irish leaders to consider what to say upon the reprisals which follow
 “ in the wake of oppression. We therefore warmly approve of the attitude of
 “ the Philadelphia Convention, which had no concern whatever to step outside
 “ its own business, to go a scavenging for John Bull, and if that worthy imagines
 “ that Irishmen in future intend to play the moral policeman in his interest, we
 “ can only say we are much obliged for his opinion of our amiability.”

Then, after some other matter, it proceeds—

“ The Gael, taught by many a bitter lesson, relies upon himself alone, and
 “ in the union of ends and aims which has been reclaimed at Philadelphia, and
 “ shunted across the sea to the men at home, we discern the forces of future
 “ triumph.”

Of course, my Lord, that is a very serious article. It was a proclamation to the readers of “United Ireland”—we know who they were—that, so far as the leaders were concerned, the outrages may continue, but they will have nothing to say. That position becomes a remarkable one when we consider the responsibility that those leaders bore. It is, I am afraid, very regrettable when I say they cannot occupy the position even of an ordinary citizen towards crime. An ordinary citizen could have no right to take up this position—the position taken up by the leader who wrote in “United Ireland.” Still less could these leaders, the men of whom it was boastingly said, they had full control of Ireland during this period when abnormal crime had come into existence. They cannot shake off the responsibility of the fact that crime existed. Still less can they shake off the responsibility of ostentatiously standing by and allowing that crime to continue without denunciation.

My Lord, to show you that this article was not an article by chance, or by the way, I must refer to one matter that occurred at this time. I am speaking now of the spring of 1883. Your Lordship will recollect that this period immediately follows the detection of the Phoenix Park murderers. Evidence had been given against certain men by Farrell, James Carey, and others. Those men, we now know who they were, were in custody and about to be tried. They were about to be tried for an offence which I need not characterise. At that time, without knowing whether these men are guilty or innocent, it is announced that Mr. William O'Brien, the editor of that paper, will deliver a lecture in aid of the fund to defend those men. You will find that stated at page 2207. On the 17th of March 1883, it is announced that the meeting of the committee to obtain a fund—it is said here for the men charged—I presume it means for the defence of the Phoenix Park murder—it may be charge—I cannot tell. Then it proceeds—

“ The usual meeting of the committee was held on last Sunday evening in
 “ their rooms, 9, Glasshouse Street, London, W., Mr. J. W. White in chair. The
 “ chairman announced that he had received a letter from William O'Brien, Esq.,
 “ M.P. for Mallow, consenting to deliver a lecture in aid of the fund, on any
 “ date fixed by the committee. After some discussion, it was arranged that
 “ Mr. O'Brien be communicated with, and asked would Monday, 2nd April, suit
 “ his convenience ? ”

My Lord, we have from the evidence of Mr. O'Brien, what was the attitude that the representing “United Ireland,” and the opinions expressed in it, actually assumed in relation to this denunciation of crime. At page 4699 he is questioned as to denunciation of crime by “United Ireland,” and he is asked :—

“ (Q.) Did you ever, during the whole time that you were editor of “United
 “ Ireland,” or in any single speech that you have made, advise people not to join
 “ them ?—(A.) No, for it was not in the least degree necessary. The best method
 “ of advising people not to join them, was to win them away from them, and I
 “ believe we have won nineteen-twentieths of the young men of Ireland away
 “ from them, aye, and of the whole Irish race. (Q.) You were aware of the

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“ articles which were read yesterday in reference to the Phoenix Park murders.
 “ You remember them being read at length?—(A.) Yes. (Q.) Did you ever
 “ denounce by name, or denounce the murders in any other instance but that in
 “ ‘ United Ireland ’?—(A.) Well, I never had opportunity. Kindly remember
 “ that ‘ United Ireland,’ in the crime period, represents 10 numbers, in at least
 “ eight of which there are expressions of abhorrence of crime.”

Then he is asked—

“(Q.) Did you ever from May 1882 down to August 1885?—”

he then interrupts and says—

“(A.) And I am most eager to give my reasons for that opinion.”

Then the Attorney-General says:—

“(Q.) I must repeat my question, and ask you to answer it, sir. Did you
 “ ever, from May 1882 down to August 1885, call upon the people to aid in
 “ detecting the murderer in any single instance?—(A.) Do you mean in-
 “ dividually? No; really I do not remember any prominent crime in those
 “ times. (Q.) You remember no murders in those periods?—(A.) Well, really I
 “ cannot recall any. My recollection of course is very general. (Q.) Do you call
 “ an agrarian murder a prominent crime or not?—(A.) Certainly. But really I
 “ cannot remember that there were any crimes in those times, except the murders
 “ in the county of Galway, while the Coercion Act was pending, and those, of
 “ course, we did denounce. (Q.) I am speaking of a murder, such as Fitz-
 “ maurice’s murder?—(A.) Certainly; Fitzmaurice’s murder we denounced in the
 “ strongest terms. (Q.) Did you on any single occasion invite the inhabitants,
 “ or implore the inhabitants, in your articles in your paper, to aid in the detection
 “ of any single murder?—No, I did not; we had no power to do anything at all
 “ of the kind. (Q.) Or any single agrarian crime?—(A.) No, and I will explain
 “ to you the reason. To do anything of that sort would be accepting a respon-
 “ sibility which we wholly repudiate, and would be acknowledging a state of fact
 “ which we absolutely deny. It would be interpreted against us as an admission
 “ that the country was steeped in blood, whereas we knew thoroughly well that,
 “ as to the vast area of the country that is an absolute and total falsehood, and
 “ that the only districts of which it was true were the districts where we had
 “ power and where we had next to no circulation for those newspapers. It would
 “ be an assumption also that our readers were persons who in any manner were
 “ engaged in the commission of crime, an assumption that is an insult to
 “ them.”

Then, my Lord, my observation, which would be of an argumentative character if I dealt with these reasons, I think I must leave to you the reason as to the statement of fact as well as the result. But the fact remains whether Mr. O’Brien’s reasons, in your Lordship’s view, are sufficient or not, that Mr. O’Brien, representing this paper, did not during this period use its great influence and the great circulation which “United Ireland” can boast of—did not use it for the purpose of offering any words in denunciation of crime, or try to lessen that sad record of crime which is before you.

Now, there are two classes of denunciation which we ought to expect to find. We ought to find denunciation by the branches of the National League, and these denunciations would have been useful and most efficacious, it may be, coming within that class of denunciation which would be at least in some degree regarded as being sincere. At least there would have been much greater sincerity attaching to them, in the minds of those to whom they could have been addressed, than there would be in the public speech on the platform. They could not have been within Mr. Harris’s view addressed to the police. They would have been regarded as being sincere and they would have been local. The man who made them, who affected these denunciations, the leader or leaders of the Land League locally, would be recognised by the people to whom they were addressed. But may I ask your Lordships now to see how many denunciations can we find, first, of that state of things from which crime came, mainly from the existence of the moonlighters, who would have been, as we know from the evidence so fully before you, of the class of agrarian—the sons of farmers.

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Well, my Lord, I am afraid unless you find some particular reason for the condemnation of moonlighting, you will find none. You will find condemnation of moonlighting when it has reached a certain point. You will allow me to give you an instance of what I mean.

At page 5208 you do have a denunciation by a Land League of moonlighting. I will show your Lordship how it came into existence. It is a book produced to us by a witness, Mr. John Greany, at page 5207. He belonged to the Mount Cashel or Knocknagoshel National League, started in 1885, and we produced in cross-examination a resolution. Will you kindly refer to it, at page 5208 :—

“ We condemn in the strongest possible manner the conduct of those night marauders who are going about striking terror into honest men, demanding money, and stealing pieces of meat, &c.”

And, I have no doubt, that as soon as the crime descended into the region of petty larceny these gentlemen did object to having the meat stolen, and I have no doubt they were sincere when they continue their resolution, and say :—

“ And we would request all respectable people to try and bring these marauding bagmen to justice.”

Yes, but these are not the moonlighters we are dealing with in this inquiry. Those moonlighters were not carrying out the edicts of the Land League. They were not the police of the Land League. Of course we are not saying that the Land League had anything to do with the stealing of meat. That is not the point. They were doing something else.

Then there is another instance of this denunciation at page 5286. I am not going to deal with the evidence of this witness at length, because I wish to refer to it hereafter in connexion with later matter. This that I am dealing with is an excision from the evidence of the Rev. Patrick O'Connor, parish priest of Firies, at page 5286. He is asked there :—

“ I observe in your exhortation in the chapel, you did not say anything at all as to cautioning these men ; you did not mention anything about these hostile moonlight bands?—(A.) I had done it so repeatedly before that it was superfluous for me to do it then, and I had a particular object. (Q.) Hostile moonlight bands?—(A.) Certainly. (Q.) Will you mention any occasion on which you did?—(A.) I will tell you now. I will tell you two or three of them if you will just give me liberty to do so. There was a Protestant farmer within half a mile of my house. Those ruffians who came to that man's house moonlighting, attacked him at night, and on that occasion, his son, who was an ex-policeman, was living with his father, who was a farmer. They attacked his house, and it was within a quarter of a mile, I think, or half a mile of the police barrack. The following Sunday, when I heard of it, I launched out as strongly and as forcibly as I could against the conduct of those ruffians. What I said was this, that they were a shame and a disgrace to the country. They were going in the name of Home Rule, for I heard that was the phrase they used, and they were nothing but home robbers. (Q.) They had robbed?—(A.) Yes ; then I said that poor, quiet, honest Protestant man, as long as I have been in the parish I have known to be a most industrious, honourable man in his business, and knowing him to be that, a lone man among the community here, it was a shame and a disgrace that those fellows should attack him, and I begged of the community to rise up against such conduct as that and to reprobate it. (Q.) Had they robbed him?—(A.) They attempted to rob him. Whether they took any money from him or not I cannot tell you. But that very same man thanked Father O'Connor for the manner in which I spoke from the altar in condemning it. (Q.) Had he grabbed any land?—(A.) He had not.”

Your Lordship sees this is not a person with whom the Land League would deal. He had not grabbed any land. Then a further question was asked—

“ Will you mention a single instance in which you condemned a moonlight band for visiting a man who had grabbed land?—(A.) I could not do it because there was no grabbing except one occasion where a man attempted to take land,

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“ and when he found the public opinion of the country was against him he drew
 “ away from it. Now, I can give you two more instances where I have denounced
 “ those robbers.”

Then, my Lord, as I am dealing with this reverend gentleman Patrick O'Connor on this point, we now know his views very clearly as they are expressed at page 5292. That was his interview with a newspaper reporter, where he states his views—

“ In course of time, Father O'Connor continued, the ranks of the moon-
 “ lighters had been recruited by a class whose objects were different from those
 “ contemplated by the originators of the system.”

Now, will your Lordship mark this: “different from those contemplated by the originators of the system.” What becomes now of the theory of secret societies springing from the earth? There were originators of the system who contemplated the extent to which the moonlighters should go; and of course we are putting it to you that that system was the system of enforcing the Land League decrees.

“ The moonlighters had been recruited by a class whose objects were different
 “ from those contemplated by the originators of the system. The new men had
 “ made use of the moonlighting system for the purpose of simple robbery, and
 “ had thus, in some instances, gone beyond the original intention, which was
 “ merely to intimidate intending landgrabbers.”

This is a declaration from one who knew—from this reverend gentleman, connected with the Land League as he was. This is a most serious statement by him. We have disclosure now made that there was a system, an intended system with a particular object in view, and that object was that the moonlighters should intimidate the intended landgrabber, that is, the man marked down by the Land League. My Lord, what does that mean? It means the sanction given by a Roman Catholic priest, amongst others, by the Land League as a body acting at least in this district, and, I presume, beyond it, from this statement, to men meeting at night, the moonlighter representing the man who was working at night, to visit the abodes of men and to intimidate them. My Lord, was that moral suasion? If it were there was no occasion for the moonlight to cover their deed. It was the intimidation resulting of course from physical force. Of what were the men who were visited afraid? By what were they intimidated? It was by the presence in the night-time of these ruffians, these moonlighters, existing under a system of intimidation against the landgrabber, who, according to the whole doctrine of the Land League, ought to be intimidated. And now, does not it stand disclosed? We may have had difficulties thrown in our way. There may have been books destroyed and witnesses removed from this Court. We did not expect that we should come within the very inner council of these men. Yet, strangely enough, here perhaps, in an unthoughtful moment, a declaration was made to a sympathetic listener by this Father O'Connor, who now discloses all that we have endeavoured to urge from the nature of things, and suggest to you that such must be the case, in order to carry out the views of the Land League, namely, that there was a system of moonlighters, a body of men called into existence for the purpose of intimidating men for the purpose of causing the edicts of the Land League to be obeyed —

My Lord, there is a further statement by Father O'Connor as to who these moonlighters were, and what was their object, which you will find at page 5285. Will you turn first to page 5284, question 81,166:—

“ Did you say that the origin of the moonlighting raid for arms was to be
 “ sought for in the determination of the people, especially the young men of the
 “ district, to create such a feeling that nobody would venture to take such a
 “ farm? Did you say that?—(A.) Yes, and that was my impression of the
 “ moonlighting people. (Q.) I beg your pardon?—(A.) Moonlighting. (Q.) Did
 “ you say what I have read out to you?—(A.) Which is that? (Q.) The origin
 “ of the moonlighting raid for arms was to be sought for in the determination
 “ of the people, especially the young men of the district, to create such a feeling
 “ that nobody would venture to take such a farm?—(A.) That was the feeling.
 “ (Q.) Did you say that?—(A.) The people—— (Q.) Did you say the words that
 “ I have read to you?—(A.) When I said ‘the people,’ I meant the moonlighting

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“ people. (Q.) Did you say the words I have read? (*The President.*) He implies he did.”

Now, on the next page, your Lordship asks that the speech should be read again, and my learned friend, Mr. Atkinson, who was cross-examining the witness, read it again.

“ ‘ No doubt the taking of an evicted farm was lawful, but on the principle of doing unto others as you would that they should do unto you, the action of the action of the landgrabber was not justifiable.’ Did you say that in substance? —(A.) If I did I would not be ashamed of saying it now, and I am not ashamed. (Q.) Very good. I pray your attention to this. ‘ The object, therefore, of those raids was to cow. That was Father O’Connor’s expression.’ Did you use that expression?—Yes, I did. (Q.) ‘ Anybody who might meditate landgrabbing; not only so, but it appeared to have been calculated upon that the knowledge that the moonlighters possessed arms would still further deter intending landgrabbers.’ Did you say that in substance?—(A.) In substance I think I might. (Q.) ‘ As a matter of fact, since the said outrage, out of 2,000 acres of land on Lord Kenmare’s estate from which tenants had been evicted, not a single acre had been taken.’ Did you say that?—(A.) I could not—2,000 acres; I think that is an exaggeration, and if I said it I must have said it loosely, because it would not be correct—2,000 acres. (Q.) ‘ The landlord and his agent had put stock on some of these lands, but this had proved to be a losing game, for the stock had to be sold at less than what was paid for it?’—(A.) Yes. (Q.) Did you continue and say that in course of time the moonlighters had been recruited by a class whose objects were different from those contemplated by the originators of the system?—(A.) I stated that, and I believe it was true.”

My Lord, may I ask who were the originators of the system, and what was the system? Where, again, I cannot help repeating, is Sir Charles Russell’s theory of secret societies?

“ (Q.) Who were the originators of the system?—(A.) Those people who went out for the checking of the taking of evicted farms. (Q.) Very good; and who were the new recruits?—(A.) All the bad characters in the locality. (Q.) Then the first originators were men who wished to put down the taking of evicted farms?—(A.) The first originators were men who did not want to rob, or steal, or do anything else but simply to check the evictions, and if you want my opinion about evicted farms, I will tell you.”

My Lord, who were they? Who do these represent but the Land League? That I may not be supposed to be exaggerating what this moonlighting meant, again, as I have endeavoured, almost without exception, to do, taking evidence from the witnesses called on behalf of the respondents, let me show you what moonlighting meant in the opinion of the Rev. Daniel Harrington at page 5196. The question is 79,720:—

“ Do you remember any serious crime which occurred there?—(A.) No; I recollect no serious crime. Mere moonlighting was a far more serious crime than would appear on the surface, because the people in my neighbourhood, where moonlighting took place, lived in terror of their lives. They could not rest by day, and they could not sleep by night. We had some moonlighting in the district—raids for guns, for arms.”

My Lord, this is my friend’s witness. This is the Rev. Daniel Harrington, who knew what was going on at this time. It cannot be said we have exaggerated the condition of things when we have told you that throughout this country, on these hillsides, whether the people were prosperous or whether they were in poverty, there were men who, according to this language, the language of Mr. Harrington, could not rest by day and could not sleep by night. This was the condition of things which was brought about by no accidental circumstances in the locality. This does not represent the old days of Sir Cornwall Lewis’s history of local causes producing local disturbances. This was general. The moonlighting that was going on is admitted to have been the state of things that was existing in Ireland at this time; and I say, where the

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Land League was there was this moonlighting. This reverend gentleman tells your Lordships how the horrors of it, which were continuous during the time that every man was in danger, were affecting the peace of the whole country as they did, and affected it, as I say, under the very protection of the numerous branches of the Land League, governed and ruled by many of those who are now respondents before you.

I am desirous that your Lordship should understand that moonlighting, at one time and under some conditions of things, did receive condemnation. But whilst it was going on, and whilst it was proceeding and having the effect that the Rev. Mr. Harrington tells you of, we can find (as I say) no denunciation of the moonlighting where it exists within the original system—that is, the raid for arms or the attack by night, to cow and intimidate, which, of course, means physical intimidation and physical cowing.

But we have it that there was denunciation by one speaker at Castleisland. It was a little late, but it was one speaker, namely, Mr. Davitt. I think full justice must be given to the extent to which that speech went. Mr. Davitt has referred to it because he put it in evidence when Inspector Davis was cross-examined. Inspector Davis was cross-examined at page 1122. Will your Lordship refer to page 1122, where Inspector Davis is cross-examined. You will find he says this in answer to question 17,680:—

“ Well, I have no recollection of any denunciation of crime until Mr. Davitt
“ went down to Castleisland.”

Then at the next page Mr. Davitt put to the witness a speech from the “Freeman’s Journal” of the 22nd February 1886. It has been read, and as you would read it, Mr. Davitt speaks very severely of the moonlighter. He says:—

“ If my own brother were brought before me and proved to be guilty of
“ such an atrocity,——”

(that is the dealing with and maiming of poor helpless beasts)—

“ I would take a pleasure in flogging him at a cart tail before flinging him into
“ prison, as a creature unfit to walk abroad among men, a libel upon the name
“ and features of our common manhood. I want you to look beyond the confines
“ of your own county, and consider the consequences which your acts will entail
“ upon the cause of your fatherland, and I demand of you the cessation of all
“ proceedings which afford to our enemies the only arguments with which they can
“ hope to combat our first demands for the abolition of landlordism and Castle
“ rule. But apart altogether from political considerations, I demand of you, in
“ the name of Irishmen of all parties and all counties, to stamp out those
“ abominable outrages which tend to degrade the Irish character in the estimation
“ of mankind. Now this custom of moonlighting, which may have been
“ originally resorted to with no intention to do harm,——”

(that is the original system, I presume),

“ but out of that devil-may-care feeling, peculiar to many districts in Ireland,
“ sooner or later degenerated into acts and proceedings which I am sure, if they
“ were only thought of in the beginning, would have prompted other and better
“ proceedings, and a different line of action to the young men who have partici-
“ pated in them.”

Your Lordship will forgive me for not reading on for the moment. Your Lordship sees a trace there that Mr. Davitt is dealing with the alteration that has taken place in the moonlighting system. I have had no reason perhaps for being careful, but I have abstained up to this point (although I have made some reference to newspapers) from suggesting, and I have abstained from supposing, that everything has not been put before you by counsel and others with the full intention of giving your Lordship full information, but I have to call your Lordship’s attention to this: I have read down to the words “participating in them.” Mr. Davitt is reading a speech in the “Freeman’s Journal.” We have the copy of the “Freeman’s Journal.” Now will your Lordship allow me to read to you the sentence that occurs after the word “them,” which does not appear in the report Mr. Davitt read. Having traced out what it had been and then said, apparently, that there had been some change, in the speech Mr. Davitt delivered these words appear, coming in after the word “them.”

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“ Now it has degenerated into common theft and cattle lifting. Why, I do not know among the scum of unadorned scoundrelism in human nature a creature so vile and contemptible as the man who will carry out the purpose of the burglar and the cut-purse under the guise of patriotism. Why, the devil putting on the cassock of the priest is respectable ruffianism or villany in comparison with the man who will go about to plunder and raid under the pretence that he is putting down landgrabbing and fighting against land-lordism.”

Now, my Lord, the whole of that is left out, and then, in this paragraph he has read, comes in this :—

“ I ask you, men and women of Kerry, to stamp out this sort of thing.”

That is, the plundering that is mentioned in this paragraph, but which, by some unaccountable means, is left out. Someone may have supplied Mr. Davitt with this report, but, by some unaccountable means, the whole of this is left out, and the condemnation which appears, “ I ask you to stamp out this sort of thing,” is made to apply to the previous sentence with respect to landgrabbing instead of applying to the plundering, which is the immediate context of the speech. My Lord, I do not understand it. There is the paragraph, and here is the “ Freeman’s Journal.” And now Mr. Davitt proceeds :—

“ I ask you, men and women of Kerry, to stamp out this sort of thing,”

which is the plundering and the degradation of the original moonlighting down to the level of the plundering, and that is what Mr. Davitt asks them, these men and women of Kerry to stay, without, as I read it, extending it to all the general system of moonlighting which was cowing people, and reducing them into this misery which Mr. Harrington speaks of. My Lord, I wish this little incident had not occurred. I hope some explanation may be given.

(*Mr. M. Davitt.*) I shall make no comment upon Sir Henry James’ remarks. I shall simply ask your Lordship to read the whole of the speech or to look at the whole of the speech,

(*The President.*) That is not quite the point. You were reading from something. Do you happen to have the thing from which you were reading?

(*Mr. M. Davitt.*) I think I had the report in the “ Freeman ” in my hand, and from that I read. At any rate, I referred the other side to the date of the paper, and I think I also drew the witness’s attention to the date of the paper.

(*Sir H. James.*) Oh, certainly.

(*The President.*) That is not quite the point. The point is that for some cause or other a passage was left out. I thought, perhaps, if you had the thing from which you were reading it might throw some light upon it.

(*Mr. M. Davitt.*) I have not the evidence here before me. I do not know what information I gave to your Lordships at the time; but I certainly did not wish to shirk anything in the speech. That has not been my conduct in this investigation.

(*Sir H. James.*) I say nothing. It is possible an explanation may be given. Of course the date of the paper we know. We were aware of that. But if Mr. Davitt had read from the paper and given it to us, I can assure Mr. Davitt we, as counsel, should have assumed anyone who had read from the paper would have read the whole of what was material. It is by accident that we have checked this, and our attention has been called to it. If Mr. Davitt had got up and said, “ I am reading from the ‘ Freeman’s Journal,’ ” I think your Lordship and counsel would assume he was reading the “ Freeman’s Journal ” as it appeared.

(*Mr. M. Davitt.*) I did not read the whole of the speech.

(*Sir H. James.*) I should not have mentioned it if Mr. Davitt had commenced at one point, and had finished at one point; but the effect produced in the mind of everyone is different from that which is in accordance with the fact; because without asterisk or aught else there is a cessation at the word “ them,” and retaking up at the words “ I ask you, men and women of Kerry, to stamp out this sort of thing,” and leaving out that paragraph which changes the whole sense of the matter. I cannot leave this speech of Mr. Davitt’s with the assertion that it is a negative speech. I am afraid it is worse than a negative speech, because Mr. Davitt’s condemnation is confined,

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first, to the maiming of cattle, which he has condemned before; and, secondly, not to moonlighting, which cows and intimidates, but to the moonlighting of a class which is the class of robbery, which of course, no one thought the Land League was supporting. Now, reading Mr. Davitt's speech as it was made, and as it is reported in the "Freeman," it is, as I again say to your Lordship, a condemnation of that which even the Reverend Patrick O'Connor might condemn, the men who stole, the men who were burglars and not moonlighters. Those were the men whose private ends were considered by themselves as paramount to what the Land League would call patriotic action; the Land Leaguers were willing and Mr. Davitt was willing to condemn the man who put money into his pocket instead of carrying out the edicts of the League.

My Lord, I have thought it necessary, without comment, for the matter speaks for itself, to call attention to this speech, and now what was the denunciation that we find of this moonlighting, as given by the specimen—the best example, I presume, that could have been given—by Mr. Davitt.

Then, my Lords, in this respect I will call your Lordships' attention to a denunciation of a certain class, and that is a denunciation which can be sincere. There is one specimen given at page 5961. You will see it in a denunciation which I should call one of the orthodox denunciations:—

"The secretary read the following resolutions, which were seconded by Mr. R. Nawd and passed *nemine contradicente*. 'That we offer to Messrs. James, John, and Charles Newman, and J. Kenny, of Cloomallagh, members of this branch, the expression of our sorrow for the injuries they sustained in the murderous assault committed on them in this town on the 11th instant, and we hope that the authorities will do all in their power to bring to punishment the perpetrators of this disgraceful outrage.'

Well, my Lords, I think the right term to apply to that resolution is that it is a mean; resolution here, as I can your Lordships, at this time there was defiance of the authorities; that there was no necessity to appeal to them to punish the moonlighters; but this offence is an offence against the members of the Land League, an offence against them, and it is not a moonlighting affray, because, if your Lordships will kindly read on, you will see that that was an assault arising from jealousy in the farm, and there was a row, and that being so, and the people assaulted being members of the branch, then to the authorities of the land application can be made for the defence of those men and for the punishment of the offenders. Can your Lordships find any such a resolution where the offence had been committed by moonlighters against persons who were not members of the branch? As your Lordships have before you this note, may I refer you to the next page, to an instance of another class, in which you will find, I admit, denunciation. It is at page 5962:—

"That the members of this branch of the Irish National League are opposed to the commission of outrages; that they are convinced that no member of the League would countenance or connive at the crimes of rick-burning or cattle-maiming—"

(those two are picked out, and your Lordships will see why)—

"as they are well aware that the owners of property so injured or destroyed are always most liberally compensated at the expense of the ratepayers."

Again, I say there is another mean resolution. What does it mean? We object to the two outrages, burning ricks and cattle-maiming. There is an absolute value which you can appraise to the rick and to the cattle, therefore as you will have to pay for them, do not commit these outrages. This is worse than "Do not nail his ears to the post." What was said about the other outrages is bad, and may bring misery to the man; you may place him in that state of terror that the Rev. Mr. Harrington describes. No money is paid for that—comparatively little, if any—unless the man is absolutely wounded; but here, in respect to this property, here is absolute payment falling upon the ratepayers, therefore do not commit that kind of crime. My Lords, in passing to a particular matter rather than more general principles, I would in calling your Lordships' attention to the denunciations of crime, again refer to the evidence of the Rev. Daniel Harrington at page 5202. He lived in the district that is more or less connected with the Castleisland district,

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and with the Tralee district, and, as we know, there was a vast amount of crime in that district. My Lords, at page 5202, I may observe that this language in which the Rev. Daniel Harrington is speaking, that the only murder as denounced by him was the Phoenix Park murder, and the question was put by my learned friend: "Then why did you denounce the Phoenix Park murder when there was crime going on near Castleisland?" Of course the reason would be obvious, the Phoenix Park murder was committed under the circumstances I have mentioned; had aroused a great deal of attention; but where the local influence could be felt no such denunciation is brought to bear. Exactly the same observation arises upon the evidence given by Daniel Ryan at page 5956, and your Lordship will see there that we have another instance of the denunciations of the Phoenix Park murder only. "You passed a resolution condemning the Phoenix Park murder." Then, my Lords, he did not confine himself to this district. In the same sense, and to save referring to it, will you also read the evidence at page 5957; that was dwelt upon when the evidence was given upon it, and there occurs, as I think, the very sad excising of statements from the extracts that were given from the "Cork Herald" of proving denunciations. This is a flagrant instance of what was done. I am speaking of the evidence at page 5957. There was a denunciation of the Buttevant Land League, and they had passed a resolution—

"Offering a reward to any person who would bring to prosecution the perpetrators of the outrage near that town, and asking the League for an expression of opinion from the Cork Land League upon the subject."

I think your Lordships will find in the "Cork Daily Herald" that this action is taken upon it:—

"He (Mr. O'Connor) begged to suggest to the writer that they ought to allow the Government to do their own police work. (Mr. Ryan.) Certainly; what have we to do with it?"

That was the witness, and so it passed in the negative "that there should be any dealing" with the action.

Will your Lordship compare that with the results I have just read, calling upon the authorities to assist when members of the branch of the Land League were assaulted. The Government is to do its own police work if the outrage be of the character of a moonlighter's work. The police authorities are to do it if the members of the League are assaulted under different conditions, and different circumstances.

May I call to the President's recollection a matter that occurred in Mr. Harrington's evidence, it is at page 5109. Your Lordship says this to Mr. Harrington at question 78,049:—

"You are now in the position of a witness. I do not see that there is anything which calls for that observation. You will answer the learned counsel's questions.—(A.) I will, my Lord. I shall be anxious to make my answer as definite as possible. (The President.) Will you bear in mind the question I have put, Mr. Reid, whether there is any action of the central body condemning these things which the witness in his own interest says he condemned?—(Mr. R. T. Reid.) Mr. Timothy Harrington will be called."

"Very well" your Lordship said. In pursuance of that undertaking Mr. Timothy Harrington was called, and we have his evidence on this point at page 5418.

(The President.) That refers back to something I said.

"Was there ever any action taken by the central body condemning these things which you say were condemned by you?—(A.) Yes, my Lord, many branches in Ireland were dissolved for that. You will have evidence of that."

(Sir H. James.) Yes, my Lord, Mr. Reid, you will find, attempts to deal with this matter, and he says at page 5446 (it is only one sentence)—

"Human nature is such that the probability is that I put forward the best I had got."

My Lord, I would agree that that is a general observation as well as a particular one, which was probably strictly correct. It is pointed out to me that there is on the same page, 5446, a kind of summary given at question 84,012.

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“Of the energetic character we find afterwards in 1885 and 1886?—(A.)
 “I used energy when occasion required energy, I can assure you. First of all
 “there were very few branches of the League up to 1885. It was in 1885 that
 “the League spread so rapidly as to render it not easy for a man in my position
 “to control it.”

Will your Lordships mark these words:—

“The election came in 1885, and every county was desirous to qualify for its
 “representation, consequently the branches of the League trebled in 1885.”

(*The President.*) I do not quite see the connexion—

“Every county was desirous to qualify for its representation, consequently the
 “branches of the League trebled in 1885.”

(*Sir H. James.*) I do not really wish to suggest anything political, but I think there
 was a good deal of sympathetic action; it is a political suggestion if I make it.

“There are two produced in 1884, April the 3rd and 4th, both directed
 “against the practice of intimidating persons in voting for poor law guardians?—
 “(A.) Yes, there are several other letters in the letter book upon that. (Q.) I
 “can only deal with what has been produced. In July 1885 I find a boycotting
 “notice about labourers. Then on September 28th, the next one I find is one
 “which deals with an irregular proceeding against Alderman Smith, which, of
 “course, is quite consistent with regular proceedings, not being condemned by
 “the League?—(A.) The letter is not consistent with that. My condemnation of
 “the League was for an endeavour to boycott Alderman Smith in it. (Q.) If you
 “were desirous to put down these outrages, how comes it there are no resolutions
 “to be found in your books prior to 1884?”

Now, my Lord, it is true that there is one resolution, and one only, that I can find,
 and that is stated, as you will find, at page 5418. I know that, of course, at that time
 there was an approach to the general election, and you will see political events
 controlled the action of the National League. I find this one on the 17th July,
 which does object to boycotting notices. It is the first and only one, I think, that can
 be found:—

“Boycotting notices, or anything that might lead to outrage, cannot be other
 . “than the work of the enemies of the Irish National cause.”

How far that is published, I know not. It is a letter addressed to Mr. T. Ryan
 Then the next is the 8th September 1885. There is a letter in relation to Alderman
 Smith's expulsion from that branch of the League which Mr. Harrington calls
 boycotting. That is, boycotting in the League and by the League.

Now, if your Lordship pleases, I am passing to a matter which I should probably
 deal with a little later on, the contrast between the action of the League at this time
 and that which occurs immediately after the new condition of things existed, and it
 ought, probably, now to be noticed. Forgive me if I do mention a political matter
 for one moment. It is matter of history. As your Lordship will be aware, a new
 state of things, as regards Mr. Parnell, existed in January 1886. In the last days of
 January 1886 there was a change in the Government, and Mr. Parnell's followers
 became the ardent supporters of that Government. Will your Lordships see what was
 done then, on the next page to which I have been reading, namely, on the 5th February
 1886, when it was necessary to satisfy the demands made by the English supporters
 of Mr. Parnell at that time, that no outrage should exist, and for the first time you
 have action taken. On the page I have mentioned occurs this letter of the 5th February
 1886. This is a letter to Mr. MacMahon, of Fries:—

“At the last meeting of the organising committee of the National League,
 “I laid before them the application on behalf of the evicted tenant, Cornelius
 “Murphy. I regret to say that the organising committee found themselves
 “compelled to refuse a grant, owing to the very disturbed and lawless state of
 “Kerry at the present time. The committee decided upon sending no grants to
 “those districts where continual disturbance has been kept up. I do not wish
 “you to understand that they believe the branch of the National League is in

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“ any way associated with lawless outrages, but they wish to save the general
 “ organisation from even the suspicion of sending funds to places where outrages
 “ of this kind have been occurring; and they regard the course as necessary for
 “ the safety and character of the organisation at the present time, and have
 “ directed me to communicate their views to the secretaries who have made
 “ application.”

I repeat that date, the 5th February 1886. Can your Lordship find any trace of any similar resolution being arrived at during the year 1880 or 1881? Can you find any trace of it until the 5th February 1886, when it is said that the national organisation wished to save themselves from the suspicion of sending funds to places where outrages of this kind had been committed? My Lord, if that had been done before, there would, of course, have been no sending funds to places where outrages had been committed; that would have shown, at least, that the Land League had no sympathy with the outrages, or the National League at any time prior to the 5th February. But this course, which was deemed by the National Organisation Committee, or the Committee of the National League to be efficacious in February 1886, and which they think will stop outrage, was never taken until that date, and then what is the reason given for it, not that we do it because it will stop outrage, but we do it because the organisation must be free from the suspicion of sending funds to these districts. My Lord, we know exactly what that meant, we know exactly what that meant in February 1886; that you will find in America a new state of things came into operation at that time, so a new state of things had to be brought into existence, and was brought into existence in order to meet public opinion in England. You have in evidence—I do not think they have been referred to, very conspicuously at least—the minute books of the National League. I do not think they are even with the officer of the Court, but my observation upon them is, and I would ask your Lordships to refer to them, because of course they must be under your Lordships' control, that you will find in those books no denunciations of crime whatever. No resolutions passed in those books in order to carry out any policy that would bring crime to an end. They are there to speak for themselves, and I would ask you to mark that date when Mr. Harrington or the committee became so sensitive that they cannot rest under the suspicion for a moment of sending money to a place where outrage exists. That, up to that time, that was not the policy of the old Land League, and that, up to that time, no such resolution appears in the books of the National League, it having come into existence in the autumn of 1882.

(*The President.*) Are you able to tell us whether that promise of Mr. Edward Harrington was fulfilled to show that many branches were dissolved on account of boycotting?

(*Sir H. James.*) I think my memory is, certainly not prior to 1886, was any action taken.

(*The President.*) I take a note of that date.

(*Sir H. James.*) If your Lordship pleases. I will ask my learned friends carefully to look through Mr. Harrington's evidence, but my memory is strong that we shall find no proof of any dissolution of the branches of the Land League, except that instance which I gave to your Lordships some days ago of Father O'Donovan dissolving his branch, which I think is unique, at least on such a ground. I am passing as rapidly as I can over these points, and now I come to one or two other matters certainly which are cognate. You have been told, my Lords, of the denunciations which were to be found in certain organs of the press. As to the leading ones, namely “United Ireland” and the “Irishman.” Of course, no denunciations can be found. You had it suggested to your Lordships that the “Cork Herald” had been denouncing outrage, and I am very unwilling to weary your Lordships with the manner in which that was dealt with; but the matter was dealt with at page 6150. Your Lordship sees my statement to you was a long one. What happened, if you will recollect, was this, that my learned friend, Mr. Reid, produced the extracts in a printed form from the “Cork Herald.” Attention was directed to one or two, and we asked for an opportunity of comparison, and when they were compared it was found that those extracts had been mangled so that the sense of them had not been conveyed to your Lordships. It will be repetition, my Lords, but may I ask you to look at page 6150 to see how these documents—I can come to no other conclusion—had been

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intentionally dealt with, so as to produce a wrong effect on your Lordships' mind. Let me give you an example at page 6150. On that document put in by Mr. Reid the words appeared in this way—

“ Mr. O'Connor said he had received a letter from the secretary to the effect
“ that the Buttevant Land League had passed a resolution offering a reward
“ to any person who would bring to prosecution the perpetrators of the outrage
“ near that town.”

There the extract [stopped, and then these words were found almost immediately following in the “Cork Herald,” with not even a full stop:—

“ And asking the League for an expression of opinion from the Cork Land
“ League upon the subject. He (Mr. O'Connor) begged to suggest to the writer
“ that they ought to allow the Government to do their own police work.”

That, my Lord, is all cut out—and one half of the sentence only is given to you. Then, my Lords, in the next example comes another extract—

“ Mr. Riordan said: ‘We have over and over again formed resolutions
“ ‘condemning outrages; they are wrong in a moral sense.’”

That is given as the expression of a meeting at Mill Street, but what did appear was—

“ Mr. Corkery said he saw Guerin, who said he had been
“ questioned by the police as to who were the members of the armed party
“ of the previous night. (Mr. O'Sullivan.) What has this to do with the League?
“ Certainly it was not we who fired the shots. (Several members.) No, no.
“ (The Chairman.) We have nothing at all to do with the outrage (hear, hear).
“ (Mr. Riordan.) We over and over again formed resolutions condemning out-
“ rages which get people arrested. Besides, they are wrong in a moral sense.”

All that is cut out, and now it proceeded paragraph after paragraph. Take the next page as an instance—page 6151. Mr. Reid's paper showed:—

“ That we take this opportunity of disclaiming and discountenancing outrages
“ of any kind.”

There was a comma there, and the sentence was made to stop at these words:—

“ As we find the parishioners had to pay very heavily for supposed outrages
“ and burnings.”

That is excised. The same observation occurs at page 6152. My learned friend put in the words:—

“ That we, the executive of this branch of the Land League, condemn on our
“ part the outrages to property committed in this district within the past week.
“ Mr. McCarthy, in seconding the resolution, spoke strongly of the wickedness and
“ folly of any person committing such outrages.”

Now, my Lords, there it stopped with a comma, but the sentence runs on:—

“ As the poor, struggling, rack-rented farmers would have to pay heavily for
“ them.”

Those words are struck out, and your Lordship does not see them.

Well, my Lord, so we proceed. I do not know that I ought to trouble you at length with them. I could give you many examples from these pages. There is one specially at page 6154. It appears in Mr. Reid's copy—

“ Under that Government the people were not getting anything better; they
“ were only getting mad. He who committed a crime at present injured the
“ cause of the country.”

That appears in Mr. Reid's copy with these words:—

“ These men had sinned gravely and they had to answer for it. It made one's
“ blood freeze in his veins and it called up the words ‘God may forgive these
“ ‘crimes’ but man cannot.’”

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That would look as if it appeared to refer to general crime, but what does appear is—

“ The chairman in the course of his speech referred to the dreadful tragedies now being enacted in Dublin. God forbid that he should say a word to increase the gloom that was hanging over the unfortunate families of the men who were condemned to death, or the still more unfortunate families of Carey the informer and his fellows. These men had sinned gravely and they had to answer for it, it made one’s blood freeze in his veins, and it called up the words ‘ God may ‘forgive these crimes, but man cannot.’ ”

And the whole of that is left out. My Lord, I hope the witness Mr. Thomas Harrington is wrong in what he said.

(*The President.*) Who is Thomas Harrington, I forget?

(*Sir H. James.*) He was connected with the newspaper, my Lord; at the time he gave his evidence he was sub-editor of “Freeman’s Journal.” He had been connected with the newspaper we are dealing with, and he produced these matters what I was calling to your Lordship’s attention in his examination, was a question accruing at page 5530. You will see attention was called to the matter. These excisions had been made so as to distort the meaning, and at 5530 Mr. Reid’s acquiesces that some inquiry should be made, and I said—

“ May I say after what has occurred, where the inverted commas are used, the quotation would be accurate, but where some one has exercised discretion in condensation it must not be assumed the condensation is correct.

“(Mr. R. T. Reid.) I should like to ask a question of the witness, I do not know whether he compiled it.

“(The Witness.) No, I did not. They were compiled in Ireland. I had not access to the file at all.”

Then I suggest something, and the counsel says it was Mr. Maurice Healy. All I can say is I sincerely hope that gentleman was wrong in the information he received.

Another collection of denunciations was put in evidence of what is called Mr. Sullivan’s pamphlet; I think it caught your attention at the time.

(*The President.*) Yes.

(*Sir H. James.*) I should ask your Lordships respectfully that this should be analysed, and accurately analysed, and I will tell you in what direction. It is published in the year 1888. It appears to be a collection of denunciations of outrage, I suppose, stating as well as the writer or relater could, the denunciations which occurred. And in its analysis it is rather remarkable, it commences with the document “Instructions to the organisers” of December 1880. The document I have described more than once as a pernicious document, that denounced only the maiming of cattle, and threatening letters.

Then there is a manifesto of the Irish M.P.’s on February 5, 1881, sent by the Members of Parliament. I see it was not a denunciation of crime in the sense we are dealing with. It is a portion of it. Then we have some intended denunciations of crime, and we have singularly enough, as a denunciation of crime, Mr. Paruell’s speech at New Ross. Mr. Harris’ partridge speech, about shooting landlords as partridges, is put in as a speech denouncing crime. Mr. Dillon’s speech at Kildare—the young man’s speech—appealing to them. That was put in. That is the reference to those denunciations at page 26.

(*The President.*) Is that the speech in which he says “you understand me.”

(*Sir H. James.*) No, my Lord, I do not think it is, it is one of the speeches I have called “the young man’s speech,” but not “you understand me.” There are observations made by a considerable number of Roman Catholic priests, as many as 44, I think, but as a fact there is only one resolution by any branch of the Land League set out, and that is at page 57. And that, my Lord, happens to be a resolution of the Knockanure Branch of the Land League under date of November 26, 1887. That, my Lord, is the industry of the editor of this collection, or rather, I will say, that is the result of his industry; he finds only one that he can put before the public, and that is dated in the year 1887.

Then, my Lord, there is one speech of Mr. Dillon’s at page 22, and it commences with these words:—

(*Mr. Justice A. L. Smith.*) Give me the date of Mr. Dillon’s speech.

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(*Sir H. James.*) It is October 26th, 1880, and it commences with these words:—

“ Up to this time I have always deliberately abstained from joining in the
 “ howl of denunciation of so-called agrarian crimes and outrages, because I
 “ refused to be a party to the ruffianism of the London Press, which sought to
 “ represent this country as soaked with blood, and crowded with murderers.

It is true that in that speech we have some words that without doubt certainly point to denunciation of crime; but then in that speech occur these words—It says:—

“ And just in concluding on this point, I would say once for all, with regard
 “ to assassination, that whatever excuse there was in part which palliated that
 “ crime in the eyes of the Irish people—and we all know there was a very great
 “ excuse—we all know the assassinations in past days, were the result of
 “ intolerable oppression, which the people had no prospect of ridding themselves
 “ of, or of defending themselves against—— ”

and then it is about the Fenian proceeding—

“ But now, when the Irish League has laid before the Irish people the policy
 “ by which, without resorting to such desperate courses, they can protect their
 “ lives and the lives of their children, I think that all excuse is taken away from
 “ this crime.”

Then I would ask you to read that speech, in connexion with Mr. Dillon's other speech, that he has made to the young men.

Then, my Lord, there are three of Mr. Parnell's speeches made in the year 1879, before Mr. Parnell visited America. We have not been able to check the context at all, but I will take it they were made at that time, and there is in this pamphlet, given as an instance of denunciation of crime, that speech of Mr. Parnell's made in 1881, upon the occasion of the death of young Boyd. Your Lordships will recollect the language, I need not refer to it, where he says if organisation of this kind had existed, it would not have been necessary. Of course you must take that speech as a whole. Then there is a short portion of a speech at Tipperary, speaking of manufactured outrages.

I think it right to say that at page 33 there is one speech, and it is the only one I think I can find, if taken as a whole, to be a denunciation. At page 33 there is a speech of Mr. John Redmond at Wexford, which does appear to be condemning outrage. I can only say as to that speech that I am not assuming that it is given in its integrity.

(*The President.*) Do not they give the source from which they are derived?

(*Sir H. James.*) No, my Lord, and we have not been able, in taking the speeches referred to, to find it. It is at page 33. It is without any heading except this: “ At Wexford, May 1881; ” and while I say I think there one cannot read it other than as denunciation of crime, at the same time, we have no means of tracing it, and we do not know its context. And, after what has occurred, I cannot say I take the responsibility of being bound by what is placed before us without having an opportunity of checking the source from which it is derived. I have already noticed to you the absence of anything in the year 1881. I will give you a reason why I am not disposed to accept without inquiry every extract that is here. At page 30 there is a speech given by Mr. Sexton at Drogheda on the 24th of October 1880. The words of Mr. Sexton's speech, as given, stop at the words, “ moral teachers who have been most to blame.” Then these words occur: “ It primarily rests on the Government ——.” My Lord, I am wrong in saying this is Mr. Sexton's speech; it is a speech given by the chairman, and Mr. Sexton is present. In the speech given at this Drogheda meeting, Mr. Gallooly, who is the chairman, is speaking, and he says, in the presence of Mr. Sexton—

“ It primarily rests on the Government who tolerate such a system. Let the
 “ Government give us a good Land Bill, and we will have no outrages.”

Then some observations of the chairman were given in the extract of this pamphlet in company with Mr. Sexton's speech, and those words are left out.

(*The President.*) Do you say this is at page 30?

(*Sir H. James.*) Yes. Mr. Sexton, at page 30, at the Drogheda meeting. We have been able to follow that, my Lord.

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(*The President.*) It only gives the language of Mr. Sexton.

(*Sir H. James.*) And the chairman.

(*The President.*) I cannot find the chairman.

(*Sir H. James.*) It is the fourth line :—

“ (*Chairman.*) No, no, you are very wrong——”

He interrupted.

(*The President.*) Is this it?

“ Listen to my friend Mr. Sexton and he will tell you how you can legally ‘ do away ’ with him.”

(*Sir H. James.*) There is a speech given by Mr. Sexton, and then there would appear to be an interruption : the chairman says :—

“ No, no, you are very wrong ; listen to my friend Mr. Sexton, and he will tell you how you can legally ‘ do away ’ with him.”

(*The President.*) Then I understand this comes in.

(*Sir H. James.*) Then when Mr. Sexton’s comes to the words “ it is the moral teachers who have been most to blame,” the words in the words, of Mr. Gallooley, the chairman, that I have read to you, after the words “ it is the moral teachers who have been most to blame ” come in. First, in the course of Mr. Sexton’s speech you find the word “ blame ”—“ it is the moral teachers who are most to blame.”

(*The President.*) What is left out?

(*Sir H. James.*) Then, in the “ Freeman ” newspaper, the source from which we obtain this, after the word “ blame,” Mr. Gallooly says, apparently almost in reply to Mr. Sexton—

“ It primarily rests on the Government who tolerate such a system. Let the Government give us a good Land Bill, and we will have no outrage.”

That does not appear. It appears something stopped Mr. Sexton, but this goes on with Mr. Sexton’s speech.

(*The President.*) I think it right to say I have noticed in Irish—I will not say in Ireland—that “ will ” means “ shall.” Just read it in that way, and it slightly modifies the sense.

(*Sir H. James.*) It does ; it says “ it primarily rest on the Government who tolerate such a system,” it is charging upon the Government that it rests upon them and not on the people. I will read only one other fact to establish this rescission that has taken place. There is a speech given by Mr. Parnell at page 25, commencing at page 24, one of your Lordships have it. You will find at page 24, November 23rd, 1879, it is one of the three speeches made by Mr. Parnell before he went to America. It is on the fifth line we come to this sentence :—

“ If they did this their cause was won. (Hear, hear.) This issue of the appeal rested in their own hands.”

Those two sentences, one ending with “ won,” and that commencing “ This issue of the appeal,” those two sentences are put here in running manner, without any break whatever. But then there comes a long sentence, which has been omitted without any hyphen.

“ The result of the proceedings at Balla yesterday was the turning point in the whole of this agitation. ‘ A family suffering from fever were to be evicted ‘ and the people had assembled to witness the eviction to mark the house and the fields so that they might know them again, and thus by the force of public opinion secure that no other person should ever venture to occupy the land in place of the dispossessed. * * * It was useless to talk of unjust landlords, as long as there were dozens of tenants to take advantage of the misfortunes of their neighbours, and to pay over their heads for their farms.’ ”

Then it proceeds :—

“ The issue of the appeal rested in their own hands.”
as in the book.

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[Continued.]

I do not say that is a very strong instance, but those words, which certainly have their effect, are omitted.

May I ask you to note the speeches as made here of Mr. Dillon and Mr. Harris are given as speeches of denunciations. I will not trouble your Lordships, if you please, with going through them, but you know now from the evidence there were those speeches. The people who read this pamphlet did not know them—the people who had this pamphlet would know nothing about the details of the speeches. We have certainly from Mr. Harris's speech the words picked out—words by themselves without the continuous writing—words of peaceful character. These speeches as a whole, no one has thought to put them in, as speeches of denunciation, for they were speeches of incitement.

(*The President.*) When in 1888 was this pamphlet published?

(*Sir H. James.*) I have no information, I am sorry to say.

(*The President.*) I only want to see whether it had relation to this investigation.

(*Mr. Justice A. L. Smith.*) I think Mr. Sullivan said he had collected it.

(*Sir H. James.*) In the preface I see it is dated August 1888. My Lords, there is a rule of law generally laid down that you cannot give evidence of matters that occur *post litem motam*. I do not think whether you would care to apply that rule to the condition of things we are under now. This publication took place after the Act under which we are sitting, creating this Commission, came into existence.

My Lords, I have led up to the point, the absence of denunciation by persons in authority who could have stayed the crime. May I point to the evidence at page 4380, where a clergyman, the Rev. John Molony, has his attention directed to some boycotting; that of a man who had shod horses for a man named Birmingham. It is at question 65,229:

“(Q.) Because he had shod horses for Birmingham he was boycotted?—(A.)

“No; whatever attempt was made to boycott him was made by what I call the

“blackguards of the place. I do not think the respectable people took any part

“in it. (Q.) I understood you to say you would ask the committee to condemn

“it?—(A.) I said I would speak to the committee about it. (Q.) Would your

“committee have power to prevent these gentlemen you have called the blackguards

“doing it or not as they liked?—(A.) I do not think they would. (Q.) Speaking

“in your position as a parish priest, it was the only engine you could suggest by

“which the boycotting could be stopped?—(A.) Well, I believe so. (Q.) As

“parish priest, could not you have exercised some influence to stop this?—(A.)

“I may or I may not.”

Now, I have called your attention to the fact that we have in Mr. Sullivan's book no condemnation by the committee of the Land League, who could have stayed these outrages. We have had many witnesses called before you. I do not understand that there has been any destruction of the books of the National Land League. Observation may be made that the old Land League passed away, and that their books have not been forthcoming. But will you note, whilst at the disposal of my learned friends were all the existing secretaries, or past secretaries of the National League, while they have at their command every book containing resolutions, I know of no resolutions to be found in any book that has been produced, except one in the county of Galway at page 4450—I am not sure of that page—it is a National League book produced from a place called Belclare. First, I am dealing with the old Land League, and that is from a League which never boycotted in any way. You will find which at page 4407.

(*The President.*) At what question are you?

(*Sir H. James.*) I will tell your Lordship in a moment.

(*The President.*) Is it question 65,807—

“Were you in the habit of boycotting people?—(A.) No, we never boycotted anybody.”

(*Sir H. James.*) Yes, that is it, my Lord, in the centre of the page. The observation I am making to you now is, I am referring to the county of Galway, I am wrong in conveying to you that it was the whole of Ireland, it is the county of Galway.

Now, my Lords, we have a National League book. I am going to dispose of that in this way; you will find no National League book produced before December 1885. What occurs afterwards when the new policy was introduced, I am not dwelling

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upon. I am taking the disturbed counties, if you please. I am taking Galway. There is no National League book produced before December 1885 for the National League of Galway. Then, my Lords, we have, as to Mayo, no Land League books produced from the whole of the county, except one from Ballyharness, containing two resolutions, and the one that came from Addesgoole which had the pages torn out. Of the National League books from Mayo there are none before December 1885, except one from Glencullen beginning October 1885, and in all these books, such as they are, there is no resolution denouncing outrage.

(*The President.*) Yes, but for this purpose it would be of value to see that after December 1885 there were denunciations.

(*Sir H. James.*) I really have not been able to go through everything owing to the immense labour that is cast upon me, but I have gone through the list. I quite accept your Lordship's suggestion, because the contrast would be, as I submit to you, of importance. I have to some extent mitigated the labour. I was treating that time as being a new period. I will endeavour, if I can, even yet to supply your Lordship with that statement. As to the county of Kerry—I am only taking this county—there are no Land League books at all except one book from Killarney, an incomplete list of members from Causeway. From the other districts—Abbeydourey, Knocknagorhill, Tralee, and other places there are no Land League books and in these books of the Land League or the National League there are no denunciation, of crime up to the time I am speaking of, 1885, except the one at Knocknagoshill which was a denunciation of the persons who stole meat.

Then Cork occupies a somewhat conspicuous position, because from Cork we have no book of any kind produced, except one from Mr. John O'Connor, which, he said, contained entries of matters of personal expenditure.

(*Mr. Justice A. L. Smith.*) You have got the book the police took to Ballydehol, I think?

(*Sir H. James.*) I said produced. We have got that book. We have the book which was found, and which I made reference to as evidence against them.

(*Mr. Justice A. L. Smith.*) Yes, I know.

(*Sir H. James.*) That was found by a policeman and produced, but I am speaking of what these men produced.

Before I come to an important matter, such as the informers' evidence, there are a few subjects which will not occupy a very long time which I wish to dispose of. Your Lordships called my attention some days ago to the increase of crime in 1878, and I said that I would then make reference to the figures and ask your permission to deal with them, which I do now.

(*The President.*) You will take, of course, in connexion with that, the evictions of 1878?

(*Sir H. James.*) Yes, I have the evictions, but you will allow me to say I cannot see that they bear very much upon it. I have the evictions, and I will give your Lordship the exact number and see what inference can be drawn from them. The analysis of this list of crime, I think, will almost dispose of the matter of itself. In the year 1877, there were 236 agrarian crimes, and in the year 1878 there were 301, which is an increase, but of course, a very different increase to that which we have to deal with in subsequent years. Therefore, that will leave an increase of 65 during 1877 and 1878. I ask your Lordship to note that of those 65, 39 are threatening letters. That will leave only 26 of other crime. I ought not to put threatening letters entirely on one side; but that is a great increase out of proportion. That increase is not, as Mr. Justice Smith said, some time ago such that you can always make comparison, on account of the proportion in increase; but your Lordship sees all other crimes only increased by 26, whilst the threatening letters increased by 39. You never find a year, I think, where the threatening letters bear such a proportion in their number to other crime as that increase. Now, we have an increase of 26 crimes. Of course, when we deal with the subsequent increases of 301 to 863, of 863 to 2,589, and 2,589 to 4,439 proportionately, by way of comparison the increase is almost as nothing. But will your Lordship allow me to point out this strange matter in connexion with this increase of crime, which causes me to say I can find no principle which controls the increase, or which would cause you to think there would be an increase. In the province of Leinster, which is a comparatively prosperous province, most of the counties being within the

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English pale, as it is termed, because, your Lordship knows, it comprises Dublin, Kildare, Kilkenny, Louth, Longford, Queen's co., Westmeath, Wexford, and Wicklow, there is an increase in that prosperous province of 26; and when we come to subsequent times your Lordship will find it is not there that you find the increase in crime; but at this period the increase was 26. In Ulster there is neither increase nor decrease. The return is entirely the same. In Munster you have an increase of 21. It contains the rich county of Limerick, where there is an increase of 9; and the eastern part of Cork, where there is an increase of 10. In these two provinces, comparatively to Connaught rich provinces, you have an increase of 49, covering just double the whole increase we have to deal with, namely 26. That is the increase in those two comparatively rich and peaceful and prosperous provinces. Now, we get the poor province of Connaught which contains this district to a great extent that we have mentioned, the fringe district of Galway and Mayo, and also the districts of Roscommon and Sligo, where the crime was increasing in 1879 and 1880, and in that province of Connaught singularly enough, no increase but a decrease of crime of 19. There is a decrease in the province of Connaught. In Galway there is an increase of seven. In Leitrim it is minus one; in Mayo, which is said to be the poorest county, it is minus 28; Roscommon plus one; Sligo plus two; leaving the result of minus 19. I therefore put it to you on these figures that you will find the increase varies so much and the decrease exists also with such variation that it is impossible to suppose there was any principle controlling this alteration, and that the cause, were probably of a local character. I cannot explain it. I have no theory to give to your Lordship why it was in Connaught that there was a decrease of crime, looking at the enormous increase which afterwards occurred, and that there should be an increase at this time in the prosperous counties.

Your Lordships have asked me to deal with evictions, and I say again I have some difficulty in dealing with them as a matter of principle; but will you refer to the table, which I think will assist you, at page 4056?

(Mr. Justice A. L. Smith.) What year?

(Sir H. James.) It contains many years, 1849 to 1886. Now I take Connaught as an example. Your Lordship sees between 1877 and 1878 the increase of evictions proportionately is an enormous increase. It increased from 118 to 365, more than double. Yet, my Lord, there is the province where you get that greater increase of evictions than in any other province. You there get the decrease of crime. In Munster, where I have shown to you that the increase was 21, the increase in eviction is not so great; it is 117 to 252. In Leinster, where the increase also is a large one, an increase of 26, the eviction is from 160 to 275. That is considerably less than it is in Connaught. We have nothing to say as to Ulster. The crime remained *in statu quo*, and the increase of eviction is from 68 to 88.

(Mr. Justice A. L. Smith.) What do you suppose started the evictions in 1878; have you any theory as to that?

(Sir H. James.) If I may say so, I have had an immense number of communications made to me upon every conceivable portion of this case. I have had poetry sent to me and prose sent to me, and nearly every person discussed, and I have had a great many suggestions upon this point sent to me; but I do not know that I ought to give any to your Lordship. It is suggested there was a very bad season in England, and the wet season here prevented money being earned here, and that consequently many of the small holders were in this condition. But I am told this is perfectly unsound, for this reason, that those men came from Connaught, while there you get the greater eviction, but you get the less crime.

There is one other small matter which I have kept separate. That is this black list matter that we have heard of. It is a matter which arose in connexion with the publication of "United Ireland." The evidence given upon it is at page 4272. In the cross-examination of Archbishop Walsh, on an article appearing in "United Ireland," your Lordship will recollect this was put to him. This is what appeared in "United Ireland" in August 1881.

"Local branches, shopkeepers names, Kanturk, county of Cork. The weekly
 "meeting of this branch was held on Saturday, August 6th, Mr. Thomas Nunan
 "in the chair A list of all members who are shopkeepers to be
 "hung up in a conspicuous part of the League room."

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Then comes "United Ireland"—

"Local branches. An editorial hint. Beaken. Ballyhaunis. Meeting on Sunday, Mr. T. Hoban in the chair. Resolution proposed: 'That we call on all landowners in our parish who have not yet joined our branch to do so before this day fortnight, and if not we call on our secretary to publish their names in the next issue of "United Ireland."'"

Then there is the editorial hint:—

"We cannot do that, but we can publish those who have joined, it will do as well."

Then, we had from the Archbishop an expression of opinion. He says, at question 62,728:—

"I should be slow to give an interpretation of it. I do not like the principle of a black list. I think it is very objectionable. I think the drawing up of a white list with the effect of drawing out a black list, is most objectionable."

"(The President.) It amounts to this, that you would disapprove of that which did as well? (A.) If it did as well."

I do not know that you would wish me to trouble you with many details, but here is an instance of what is done. It is a resolution of the Killarney Branch, July 19th, 1885. We have extracted this from that book. As I told your Lordship, there was one book in.

"After our next meeting a list of members be published and sent to all the rural branches, so as to point out who are for or against them, and that we ask the farmers and all concerned not to buy hay on any farm in possession of a landlord or of any auctioneer who is not a member of the League."

Of course, this is, as I say, one of the very few books we have obtained, and, of course, many of these instances would not be published.

Now, there is an immense mass of statements made and documents referred to in the proceedings which are the immediate subject of inquiry before your Lordship; I mean the allegations made in "Parnellism and Crime," and therefore in the action of *O'Donnell v. Walter*. I am going to deal with them, if you will allow me, very comprehensively, and I claim my right to do so. The statements there are statements not of fact, but statements contained in "Parnellism and Crime," where we find references made to different newspapers and especially to the Cowper Commission, on the proceedings of the National League in certain directions. Well, of course, I do not say for a moment it proved the fact, but, as far as I went, the writer of the article having made observations upon the contents of those articles and those statements in newspapers, we shall show the foundation for them had been properly quoted. Then a discussion arose (I have not referred to this; I have referred to a statement of my friend Mr. Reid before) upon page 3316. There was a comprehensive admission by my learned friend Sir Charles Russell. It is the 4th paragraph. The Attorney-General says:—

"Then, my Lords, I presume my friends will not require me to prove verbatim extracts from the Cowper Commission evidence. I will give you the page in a moment. Your Lordships will kindly look at page 219 (of the trial of *O'Donnell v. Walter*). It is called, 'the National League at work,' pages 218 to 225. Your Lordships will find a number of references to the evidence given in the Cowper Commission—that is, the names of the witnesses, many of whom have been called before you, and the numbers of their questions and answers. I desire to say, my Lords, that these are correctly extracted. It will be in all probability sufficient if I indicate it to my learned friends, and they will see whether they can contest the accuracy of these statements made in the Blue Book."

Then my friend Sir Charles Russell says:—

"I do not doubt that such words as are here given were used. You will see they contain only a few lines, if we have to supplement them we will draw your Lordships attention to it."

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No step was taken to supplement those extracts, therefore, I presume, we may take it, so far as this question is carried by showing they were correctly extracted. All that is stated there must be taken to be *bonâ fide* extracts from the books and documents quoted.

(*The President.*) The Cowper Commission?

(*Sir H. James.*) The Cowper Commission and others. The Cowper Commission is one your Lordship sees.

(*The President.*) I do not see any reference to anything else.

(*Sir H. James.*) My note was the Cowper Commission, &c., but your Lordship will allow me to let my remark apply to the Cowper Commission only.

(*The President.*) Perhaps it has a longer application. That is all I see at present.

(*Sir H. James.*) It is a fact, though it may not be at that page, that there are many quotations from different newspapers. In the articles your Lordship will find many from the "Irish World" for instance, and the "Freeman." The admission of my learned friend Sir Charles Russell at page 3279 applies still further. The matter I am addressing myself to is this. It was rather with respect to the National Press. It was stated that the National Press teemed with such things, and that the observations of the writer in the "Times" were founded on what appeared in the National Press, therefore, of course, we must show what was there, in order to justify what had been said, and it is in relation to that matter that the occurrence takes place that is recorded at page 3279. Will your Lordship kindly look at that page.

"(*Sir C. Russell.*) Only part of it. (*The Attorney-General.*) No, pardon me; the whole of it was read. It is at page 2752. (*Sir C. Russell.*) We do not admit the 6th March. (*The Attorney-General.*) I am not going to read it. The 6th March 1880, has already been proved. (*Sir C. Russell.*) For what purpose? —Will you be good enough to show me where it has been proved, and for what purpose? (*The Attorney-General.*) Major Le Caron. (*The President.*) If it has been proved for any purpose that this passage was in the 'Irish World' of this date is not that sufficient? (*Sir C. Russell.*) My friend is going through an utterly useless task. We are not going to suggest they have invented paragraphs from papers which have no existence. (*The President.*) I understand it to be put formally in evidence that there is such a passage. (*Sir C. Russell.*) Your Lordship may take my statement as applying to all of them unless I object. What my learned friend is doing is really reading them as if they were evidence."

So we have, and I think rightly, applied those two admissions, one being narrowed to the Cowper Commission, and the other being more general, to the statements in the press, where stated, so that we are relieved now of going through the difficult operation of giving quotations for each particular incident.

Adjourned for a short time.

(*Sir H. James.*) My Lords, I have necessarily to deal with some matters of a fragmentary character, and I am not going to make any apology to your Lordships for taking them as I best can, they being rather of a fragmentary character, but I will keep them within the sequence of events as far as lies in my power. There have been, as I have pointed out to you different methods by which sympathy with crime has been shown, sometimes by absence of denunciation, sometimes by direct and affirmative expression. There is one small matter I think by means of which sympathy has been shown in different places and under different conditions, with crime. Your Lordships will recollect, I am treating it almost as a matter of history, that on September 18th, 1867, a foul murder was committed in Manchester. The detail of that crime has not been proved in evidence before you. I do not know that we should have been entitled to have proved it, but it stands, as it must stand, than an innocent man, at least a man who had committed no fault against anyone, was recklessly shot by men who were firing, it may be without taking aim at him yet who fired the shot for the purpose, let its result be what it would, that it should take effect. Those men bearing the names of

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Allen, Larkin, and O'Brien have unfortunately been held up as heroes, whose examples should be imitated. I can find no word of condemnation of their crime, no word of sympathy with their victim. It is another instance where the homage of this new faith has been afforded to the assassin and execration only, as I have said, for the victim or his captor or his judge.

My Lords, I have to read a late speech, comparatively, and I presume a well-considered speech of Mr. Davitt's, which was delivered on the 29th November 1885, at page 771 of the speeches. It is to unveil a monument to the memory of these three criminals.

(*Mr. Davitt.*) No.

(*Sir H. James.*) I have it so at the head: To the memory of three men, Allen, Larkin, and O'Brien. Mr. Davitt seems to dissent. The speech commences:—

“Fellow countrymen,—A high compliment has been paid me by the Nationalists of Kerry to invite me here to-day to unveil this memorial cross, erected to the memory of Allen, Larkin, and O'Brien.”

It was that speech I was referring to. I do not know whether this notion of things set in before the time of the National League or not. For myself, I do not find traces of exultation of such a crime, or the ennobling by memorials of such men; but this is Mr. Davitt's speech, after saying a high compliment had been paid to him, being invited to unveil the memorial cross erected to the memory of Allen, Larkin, and O'Brien. He proceeds:—

“I am deeply grateful for this honour, because any public man should be proud to stand here to-day and perform the duty which the Nationalists of Kerry have entrusted to my hands. This monument, handsome in its execution, typical of faith and fatherland, is indeed worthy of the record of the Nationalists of Kerry in a struggle for Irish independence. We are to-day engaged in a good work in being here.” Nothing better or more creditable for the Irish Nationalists could be projected than a demonstration of this kind which I now address. Who are we assembled to honour here to-day? Not the memory of Ireland's kings or Irish chieftians. No, we are assembled to honour three men of the people who proudly died and offered up their lives as sacrifices on the altar of Irish liberty. These sacrifices for liberty ennoble the humblest member of a nation, for while kings and chieftains pass away and are forgotten, the men who nobly sacrifice their lives for liberty, live for ever in the recollection of a nation. You are all familiar with the story of the Manchester martyrs. Eighteen years ago, Allen, Larkin, and O'Brien, in performing a duty of allegiance to their leaders, and engaged in the holy work striving to free their native land, were struck down and foully done to death by England's Government. It was not the only foul deed perpetrated by English rulers in order to crush the spirit of Irish liberty. These deeds can be read on every page of our ensanguined history. They have marked every epoch of England's rule in Ireland; but the very sacrifices which these deeds have called forth were the very means by which the spirit of Irish liberty has been kept alive. You know as well as I do, and as well as the English Government of the day know, that Sergeant Brett was not purposely shot in the Manchester.”

That is the extract from the speech I do not know whether there is more of it, but that is all that has been proved in evidence. There is amongst other speeches a speech made by a person we have heard of so much, a man of the name of P. J. Gordon, Patrick Gordon, it was given at page 109 of the speeches. It is the 20th June 1880, at a place we have heard of, Shrule. Said Mr. Gordon:—

“It is better for you to lose your blood as Allen, Larkin, and O'Brien did and we are determined to do the same.

“I repeat the names Allen, Larkin, and O'Brien. They have walked to the scaffold and the last prayer they uttered from their lips was ‘God save Ireland.’ I say, in following in the wake of Allen, Larkin, and O'Brien, that you will combine yourselves as one man—aye as one woman. The last words I will ask you to say are, ‘Away with land robbers, and God save the people.’”

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My Lords, there is one other speech in this country, at least that I will refer to, and that is a speech made at Castleisland on the 10th October 1880, by Mr. Johnston, of Kanturk.

“ If he needs a subject let him stand——”

Then there is a blank.

“ The scaffold at Salford, and produce to me any three men equal in honour, in dignity, and in glory, to Allen, Larkin, and O'Brien. Some men tell us that we are Communists. Some men tell us that our priests are afraid of us. We are not. Oh, never. We have (interruption) fallen by the roadside; we have walked with them to the scaffold; we will do so again to-morrow; and if there be any priest overladen with age and not moving along with the world, I would say to him——”

And then there is a poetical quotation about the priesthood.

My Lords, at page 5645 there is the address that was presented to Mr. Davitt on his arrival at New York, and it was an address at which were present:—

“ O'Donovan Rossa, John Devoy, Major James Haggerty, Captain John McClure, J. J. Breslin, Colonel Burlee, Thomas Bourke, Lawrence Goulding, and Thomas Clarke Luby.”

And as Mr. Davitt said about 150 others. This was the address presented to him:—

“ On behalf of the Irish Nationalists of New York, we congratulate you on your release from British prisons, and offer you a fraternal welcome to the United States. You were tried and convicted in a British court for participation in a movement for the liberation of our native land; a movement in which we are proud to have borne a part, and which to-day is possessed of a more vigorous vitality than when the three confessors of our political faith gave up their lives for Ireland on the Manchester scaffold.”

My Lords, I would ask that even if the view that is taken, as I understand it by Mr. Davitt and others, that the shooting was not intuitous, but it was taking the life of an innocent man whilst intending to commit another act, how can such language that I have been reading to your Lordships be applied to those persons “three confessors of political faith,” as if they were men who had some glorious attributes of opinion and had been supporting and acting upon it.

My Lords, at page 4754, we have record made of the way in which Mr. O'Brien was participating in this view, and I would ask your Lordships to regard this as a proof of the continuity of the existence of this view certainly down to as late a date as the 2nd January 1886. This is what appeared in the first column of “United Ireland.”

“ Allen Larkin AND O'Brien, HONOURED BY THEIR Chicago KINDRED. Splendid meeting AT Brands, Hull, Chicago. A STURDY SPEECH BY A Scotch clergyman. AN UNPUBLISHED LETTER OF Michael O'Brien WRITTEN PREVIOUS TO EXECUTION.”

Then Mr. O'Brien is asked:—

“ I understand you to say, Mr. O'Brien, that shooting a police van was to open the door and allow the prisoners to escape, I quote your own words a moment ago, was a perfectly legitimate act of warfare?—(A.) Well, that was perhaps a hasty way of putting it. No, I do not think it is. (Q.) Do you justify it?—(A.) I do not think it is. (Q.) Do you justify it?—(A.) Excuse me for a moment. In a state of semi-belligerency, such as there was at the time, I do not regard it, as at all events, in no sense of the word a criminal thing that men should have openly, taking the risks, attempted to rescue one of their comrades. (Q.) That to fire at a police van to release prisoners who were going for trial is a legitimate and constitutional act?—(A.) I do not know that firing at a police van has ever been thought to be criminal. That describes exactly what happened. It was the case of firing at the police van, but not at the policeman.”

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Then in justice to Mr. O'Brien I will read on. He says:—

“At all events, the grand distinction I make is that these men are called murderers. I believe them to be no more murderers than anybody here. I believe they acted from the very highest and noblest motives.”

My Lords, that reference which I have made must be looked at in relation, I think, to page 4753, the previous page. When it leads up to what my friend was putting to Mr. O'Brien, and then we come to the passage that I have read. I can give you many more references to this subject, but I think I have said enough, for other evidence will be in your memory to show that both in America and Ireland these men had been held up as persons whose example, if need be, should be followed.

I pass now, with your Lordship's permission, to quite another subject, but one which it is necessary for me to deal with; it is to make reference to a statement made in the argument used by my learned friend Sir Charles Russell in his speech at page 3757. In that page your Lordship will see that my friend refers to a statement made by my learned friend the Attorney-General, and also to the evidence that has been given in the case, and I think I can fairly summarise what my friend Sir Charles Russell said by stating to your Lordship that his argument is, you, the Attorney-General, have mentioned 69 names, or they have appeared in the evidence. I think your Lordship will find it is in his opening speech that the reference is made to the Attorney-General. You, the Attorney-General, in your opening speech, have mentioned 69 names of persons who have been referred to by way of denunciation, or by being denounced by persons who were speaking at the Land League meetings, and your case is that as outrage followed denunciation, you ought to have shown that those 69 persons, more or less, were subjected to outrage. You have shown only nine persons.

Well, my Lord, I think I can dispose of my learned friend's, Sir Charles Russell's, argument quickly enough. I really object to being hypercritical, and it is a very minute observation, but the number actually referred to, according to my friend Sir Charles Russell's list amounts to 64, and not 69. This is a very small matter; the list is 64. My friend has inserted in that list three or four names twice over, and if it is added it will be found that there are 64. But my friend has fallen I think into this mistake. It is not said in any way that those 69 persons were denounced. Reference is made to them and what my learned friend Sir Charles Russell has done is, taking the speeches wherever he found a person's name mentioned he assumes that they have been denounced; now my Lord, I will give you an example. Here is a speech:

“Herbert will be one of the most important men in the country, far more so than Boycott or Bence Jones.”

Those my learned friend Sir Charles Russell treated as three persons denounced. There is no denunciation there. Your Lordship sees those persons were not in the county where the speaker was speaking, they were far distant and there is really no word of denunciation. Then, my Lord, there is a speech of Mr. Dillon which is proved at page 6208.

“You need not have any fear for Lord Annally or Matthew Weld O'Connor.”

These are treated in my friend's calculation as being persons denounced. Then, there are persons like Lord Clanricarde and others who were not in Ireland at all not resident in Ireland, but they are all treated by my friend Sir Charles Russell, and as he says according to the theory of the Attorney-General they ought to have been as subjected to outrage. So it is impossible to treat those persons as coming within the category of denounced persons.

There is another observation. We have not followed the crime throughout the whole of Ireland, we have been bound to limit our case more or less, and the consequence is that of course we have treated specially with four counties, and have not followed the crime which was existing elsewhere. There is also this observation. I could diminish this list till I could bring the list approximately to the number nine, and if any remain to be accounted for the reason why they were not outrages was

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that, as soon as the word of outrage went forth, police protection had to be obtained. Captain Plunkett gave you evidence upon that point at page 2006—

“I meant to say in most cases. In most cases a man who was denounced
“ had to receive protection in some shape or form,”

and that protection we have heard of like Kennedy and other men who had to be surrounded by policemen, in order that their lives should be safe. Then in proof of that may I refer to the statement which appears at page 2156, which was before your Lordship yesterday, namely, the immense increase in the protective posts of Ireland. Those, of course, represent the barrack and the police, but the place which formed the centre for the protection of these people, if necessary, and therefore I submit that that suggestion of my learned friend, which was treated at considerable length, is one that cannot be supported.

But, my Lord, there is one answer to my friend—what is his theory based upon? My friend, Sir Charles Russell's theory is that there is no danger from denouncing people—no danger from doing it, “you, the Attorney General, say that if you denounce
“ people there will be outrage. There was no outrage, and you have no right to say
“ it, because denunciations did not produce that result.” My Lord, once again I have to appeal to that witness who went into the witness-box saying that he would tell the truth, however much it did not agree, or however much it disagreed with what had before been said in court, and that was Mr. Matthew Harris. You Lordship will recollect that Mr. Matthew Harris, at page 6088, admitted that it was unsafe to mention persons by name. To denounce persons became unsafe from the time when outrages commenced. Your Lordships know the time when outrages commenced—to discuss with Mr. Harris whether it was 1882 or 1881 is immaterial—from the time when outrages commenced it was not safe to denounce persons by name, the reason being that if you did, and this is the only reason that could exist, outrage would follow.

(*The President.*) By your process how many have you reduced this 69 or 64 to?

(*Sir H. James.*) If your Lordship pleases, it is impossible to say.

(*The President.*) I only want it approximately.

(*Sir H. James.*) If your Lordship will forgive me, it depends entirely upon how you construe the speeches referred to, because if a person is introduced by the way, one person may take it in one view, and another person may take it in another, and therefore whilst I attempted, as I would term it, to arrive at a numerical result, I can assure your Lordships it would be unsafe to rely upon it; all I can say is that the numbers are to be reduced to a great extent.

(*The President.*) I mean if you reduce it to 50, 18 per cent. would be a very large number.

(*Sir H. James.*) We start with 64. I have taken out all non-residents, and I can show your Lordship however you construe the different speeches which we have, the reduction would be far below the number of 50. Coming even to 50, there will be 18 in the hundred, 18 per cent. If you ask me for the result I will put that which we attempted sometime ago on one side. The reduction I made—but I really cannot ask your Lordships to accept it as being perfectly accurate,—was to reduce the persons positively denounced to 19. Of course I am open to the observation as to what denunciation means, but to anything approaching real denunciation so that the peasantry you address might suppose that they were urged to commit crime, you will not find more than 19.

Now, my Lords, of those, three were murdered, two were shot at, five were called as witnesses here to detail outrages upon them, one Murty Hynes submitted to the League, two had the denunciations withdrawn under conditions. As to three of these we have given no evidence because one of them has died and the other two did not come within the area within which we have given evidence and then one, the man Downey, is covered by the evidence as suffering with his master, and my Lord there is another, Mrs. Foukes, as far as we know a woman who seems to have escaped. That represents those whom I thought the denunciation ought to refer to, the 19 to whom it ought to apply.

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One other very small matter indeed in passing, and that is as to the defence of the prisoners. We have dealt with that subject at length, and it will be in your Lordship's memory what Mr. Parnell said, the proof is at page 6188, that he disapproved of the practice of defending prisoners who had committed crime.

"As soon as I found the practice had grown up I did my best to put a stop to it. (Q.) What?—(A.) I say, as soon as I found the practice of defending prisoners had grown up, I did my best to discourage it, and to put a stop to it. (Q.) When?—(A.) Towards the end of 1881, the year in which the Land Act was passed."

If that be Mr. Parnell's view, unfortunately it was not acted upon, because in the minute book of the National League, under date 28th April 1883, there was a resolution. I am giving your Lordship the summary of the books. The books, of course, ought to be at your Lordship's disposal. I do not wish to say more than this, in order that I should be entitled to make this quotation from the book, notice was given to the solicitors for the Respondent to produce the books. I am raising no objection at all to what has occurred, and I do not wish to raise any, but we have given notice to produce them, and I state what I do, subject, if you will allow me, to reference being made to the minute book.

(The President.) Were do you get this from?

(Sir H. James.) From the minute book of the National League.

(The President.) How have you got it?

(Sir H. James.) Because it has been here in Court.

(The President.) Was it copied by somebody from the book while it was here?

(Sir H. James.) When I say copied, it was not copied, it was summarised. It is a short note of a resolution, and I think, of course, it ought to be looked at *in extenso*; but the book was allowed to be inspected by Mr. Soames, and this is the note of the summary which was in the book. Will you allow me to take this as ear-marking the resolution?

(The President.) Yes.

(Sir H. James.) It is the 28th April 1883.

(The President.) You had some communication, I suppose, with Mr. Lewis?

(Sir H. James.) Mr. Soames has, yes.

(The President.) I am only pausing before giving a direction to the secretary. I may as well be informed what the answer was to the communication.

(Sir H. James.) The answer was that the books should be telegraphed for, so as to be brought into this Court as early as they possibly could.

(The President.) All that would be necessary would be for Mr. Cunyninghame to remind Mr. Lewis of that.

(Sir H. James.) There has been no delay on the part of Mr. Lewis at all, but I only ear-mark it. The resolution was on the 28th April 1883, and was recognised as "payment for the defence of prisoners," as I see by the note here. I mention it to show that care was taken upon the subject, "subject to their being nine members present and voting thereat." That is the full note that I have.

Now, my Lords, again a fragment. When we were discussing the payment as I said unauthorised by rule, of the 2,000*l.* by Patrick Egan to Mr. Parnell, I call your attention to the fact that Mr. Parnell said he was under the impression that rule had been amended, and that I also said that we could find no trace of it. Mr. Davitt interposed, and he handed to your Lordship a document which you desired us to see as the suggestion was (he had referred to the document which had already been put in), that this document showed that the rule had been altered. My Lords, I can scarcely think that any one can read that document to that extent.

This document, as I understand it, is an address to the Council of the Irish National Land and Industrial League in the United States of America; and then there appears—it being signed amongst others by Mr. Davitt himself—there appears this statement. The objects:—

"One of the purposes, for which assistance is asked for in America, is to oppose the supporters of landlordism, whenever and wherever they endeavour to obtain any representative position in Ireland, which would be the means of

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“aiding them, and prolonging the existence of the present land laws and perpetuating the present degradation and social misery of labour.”

That is a general statement. It is not a statement about money, and you will notice this was issued after the 2,000*l.* had been advanced.

(*The President.*) It seems to me to be a very small matter indeed, but observe, Mr. Parnell does not put it that the money was advanced in consequence of a rescission of the resolution, but that Mr. Egan took a broad view of the matter, and applied the money with a broad view of the matter himself; that he could do that on his own responsibility, whether it was rescinded afterwards or not is not the point.

(*Sir H. James.*) The only way in which I have used it is to say that Mr. Egan was acting independent of regulation, that he could scatter his money for this purpose or that, as he liked; therefore, the only thing of importance is, did he only know large sums were given without the authority of the League or without asking the League. I should not have thought of calling your attention to it again if Mr. Davitt had not prominently called your attention to this matter. Therefore, I submit to you it is no proof that the rule was ever issued, and it was never issued until after the money was given, and it does not speak of money but only speaks of persons represented in Ireland. As I have mentioned this document there is one other matter also in connexion with that gentleman. Mr. Davitt has made in his speech considerable comment upon the fact that the “*Times*” did not make any charge against him; and he commented, appearing for himself, speaking for himself, in support of his own position, which he wished to show was one that had not been attacked, and, in proof of it, he said the “*Times*” never thought of charging him, and inculcating him as they did other persons. I think that observation was made by Mr. Davitt in some ignorance of what had been the procedure you had directed. You will recollect there was a preliminary meeting, and at that preliminary meeting your Lordships made an order that particulars of charges were to be delivered to 64 members of Parliament representing constituencies in Ireland, and that those were the only persons, the others not being designated against whom particulars should be delivered.

The “*Times*” had no power to deliver independent particulars against A, B, and C, and that being the case, and no particulars being delivered to anyone save by your Lordships’ order to these 64 members of Parliament, on the second day after the general proceedings commenced in court here, namely the 24th of October, Mr. Davitt came in, and put in an appearance, and claimed to have particulars delivered to him by the “*Times*,” and, following out your Lordships’ direction, we gave him particulars. It was impossible to follow any other course. I only mention that to disprove to anyone who has listened to Mr. Davitt that there were no charges against him, and thus exculpating him. Particulars of the charges were delivered to Mr. Davitt, and Mr. Davitt, if he will read them, will find some strong proof in support of the allegations made. I am disposing, as I have said, of these small fragments. Perhaps you will say, after what your Lordship said to me on the previous point but one, they are the very crumbs of this case; but there is one near to the end of the chapter, a matter in this long tale to which I have to refer, and it is one of substance. It is, I submit to you, full of substance. I have mentioned to you the difficulty that those who represent the “*Times*” had in obtaining access to the inner councils of the body of the League, from whom we so describe its proceedings. I take this opportunity of saying a word or two on behalf of my learned friend the Attorney-General, who has received scant courtesy, even that measure of courtesy you expect to receive from opponents. He has been attacked—of attacks elsewhere I will say nothing—but of what has been said in this Court it is my duty to say something. I do not know that my friend the Attorney-General needs one word of what I am putting forward; his defence needs not one word even of comment from me; but, my Lords, the view which is taken of the head of our profession is one that certainly must be of interest to all who belong to it; and I am certain of this, too, that I may say, without profusion of statement, on behalf of my colleague in this case, that those who belong to my profession at this moment would expect me to say at least a word in relation to the charges that have been made as to the conduct of this case by Her Majesty’s Attorney-General. To tell you all the difficulty that the Attorney-General had to encounter when opening this case is impossible. If one refers or recurs to the experience of any counsel who

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has had to make statement of a case he is about to prove, a case whether it be one of magnitude or one of slight dimension, everyone will know that it is impossible for counsel to vouch the certainty of proving all that he is instructed to lay before the tribunal that is to hear the case. And we have all of us felt, time after time, that the statement we have made, however careful we have been to speak with that moderation, which is one of the attributes of success in advocacy, yet that it is impossible to fulfil the obligation that counsel undertakes when he has to make such a statement to the tribunal he addresses. If that be the difficulty in an ordinary case, perhaps you may have gathered enough in this case to know how that difficulty became multiplied and exaggerated. I said I cannot tell you all, and whilst here I am speaking of the Attorney-General, one word too I have to say in relation to the gentleman who has with the greatest industry—the greatest ability—instructed my learned friend. From first to last there have been obstacles placed in the way of this case being brought before you completely and directly, which probably no one can understand. Those obstacles have been met to a great extent by the industry and ability to which I have referred. Still, in all cases, whatever test was applied to information, it has not been possible to deal with the course that has been pursued in relation to those who have charge of the interests of the “Times” newspaper. My Lord, as I say I have no evidence to give you, and I have no right to give it you of what has occurred in this court as ample proof. I give you two witnesses as our example. I refer to that man Coffey, and the witness Molloy. Your Lordship heard them. The man Coffey had made a statement, a statement intended to mislead the representatives of the “Times” newspaper,—a planned and plotted act in order that those who represented the “Times” might be misled if Coffey’s present statement be correct, and acting upon it may cause those who have the conduct of the “Times” newspaper to be subject to the very condemnation that my learned friend Sir Charles Russell has applied to the Attorney-General. His conduct was such that you committed him to custody for the gross contempt that he had committed. What was that contempt? It was the contempt of endeavouring to deceive the professional representative of the “Times” newspaper.

Take one other case, the case of that witness Patrick Molloy. Has your Lordship any doubt but that he did make the statement that was put in evidence, the written statement to the professional gentleman, I think, Mr. Walker. What was that made for? For the purpose of delivering. Is this a plant? This is not accidental. And, my Lord, having had, as you have had example, by those witnesses of the manner in which some one has been endeavouring to mislead the “Times,” while the detention of the deceit in these cases had not been made, I have a right to say that no one can understand to what extent such attempts have been carried, and how it is that the difficulty of my learned friend, who had to distinguish what parts to open to you, and what should not be opened to you, became so great; that whilst he has every one,—not only who has been associates with him, but every one who knows him,—to bear testimony, while he strove to the utmost to place nothing before your Lordship but what he believed could be proved, that was an attempt shown to be successful by those two witnesses who were called,—and it very likely caused my learned friend the Attorney-General to be in a position not to prove everything he thought and believed and what any counsel would think I believe he would place before you. But my Lord, I say that notwithstanding the difficulty, that there was cause in discriminating what should be proved and what ought to be placed on one side: notwithstanding the great difficulty that we had in determining what witnesses were worthy of your Lordships’ attention, we have opened the door in many instances. And as I am now about to submit to you, the truth has been told you by those who from their position, obtained access to the councils of the League, and having knowledge of what occurred amongst those who were directing its affairs, have told you, and told you truly, to what extent the League has participated in crime.

My Lords I shall have of course to deal with witness who may be called informers. I am not going to quarrel as to terms. I will so call them. It will not represent acquiescence in the view that all these men ought to be termed informers. But I mean by that word that they are men who had inside knowledge of events that were occurring and having that inside knowledge now appear before your Lordships to state what they knew.

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My Lord, there were altogether of witnesses whom I should use that term 13 in number. For the purpose of any present observations I think I should be more correct in saying 14 in number, I am keeping, if your Lordship pleases, to 14 because I am not dealing with those who are practically insignificant or prove very little. But I am dealing with 14 persons to whom I shall attach importance. With some of these I do not desire at this time to deal, because those speak to particular events, and do not give evidence as to general conduct of the League in relation to the commission of crime. For instance I do not deal with that in this respect most important witness Le Caron in respect of general and American affairs. I now put on one side McQueeney, who of course dealt with affairs in England, and Francis Burne. I put the Fenian Levy also on one side. And I put Delaney, as Delaney dealt with the Phoenix Park murders, on one side.

Now, my Lord, the witnesses who remain, and who have given you evidence as to the names of those dealing with the League, and with the forces coming under their cognizance, will be Coleman, Mannion, Hearne. He is a witness, my Lord, in connexion with Mannion, and comes under the head of Mannion. Flaherty, Burke, Tobin, Buckley, Jago, and Connor. My friend, Mr. Asquith, calls my attention to two others. He is quite right, in one sense, to name Flannagan and Walsh; but they speak to very minor matters, and I will not encumber your Lordships with these names, if you please.

Now, Mannion I have dealt with. I have dealt with him in respect to the Lydon murder. And I am now anxious to refer to the evidence that was given by the other informers, especially the evidence of Tobin, Coleman, Buckley, and Jago.

Now, my Lord, there is a test, a general observation in respect to these men, whom I will call, if you will allow me, agrarian or rural informers. I have had careful review of their testimony to see how many persons these men have mentioned; how many persons whose names they have given would be known persons; would be known to have been living persons in the different localities of which they speak, and who could have been called before your Lordships to contradict their statement. You will recollect their statements are full of importance, absolutely, if true, establishing murder, and establishing the guilt of individuals. These men have spoken of 96 different people. They have given full account of them. They have stated surname, Christian name, where they live, and while they have thus given an opportunity of contradiction, and if they have been guilty of perjury, of detection of their crime, by naming oftentimes names that were not necessary to be named for the purpose of their narrative, but as vouching for the truth of what they said. It is necessary to ask, how many of these 96 people these witnesses have named have been called before you?

My Lord, the fact is that out of the 96 people who could have contradicted these informers, four, and four only, have been called. Those persons who have been called, the four out of the 96, are Thomas Connor, whose evidence is at page 5211, named by Tobin; John McCarthy, named by Jago; Berran, named by Coleman; and are Henry O'Connor, of whom Buckley spoke at page 1710, and expressly says that man had nothing to do with outrage.

Now, my Lord, of course I am subject to correction if I am wrong. I believe my statement is accurate, it is possible that my 96 number may be differed from; I think that number is accurate, but I should be glad if correction should be given, if it can, to my statement that only four persons were called. Understand, I am speaking now of persons named by the informers. There were a few witnesses, and very few witnesses called, outside their statement belonging to branches of the Land League, to say A, B, C did not belong to these, one or two persons called directly from the neighbourhood. They are not the persons included in the 96, and not the persons against whom any charge is made by the witnesses.

I should like, my Lord, in order to see the importance of this evidence to see what it is now we are about to inquire into. It is that statement that Captain Plunkett made at page 2000. I am endeavouring to start on page 2010. There are two statements. He says, my Lord, at these pages:—

“No secret societies independent of the League had anything to do with the condition of the country after 1880. I think the moonlighters were simply the police of the League.”

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And it is in respect to that view that these informers I am speaking about gave evidence of the greatest weight and greatest importance.

My Lord, there is one general observation to be made as to these witnesses, or at least, some of them. You will find that several of them are sworn in—sworn not so much to belong to a particular society, but sworn so as to bind the person who took the oath, to certain objects, and you will find great similarity. You will find some of them saying they were sworn to such and such a society by name, but there was no oath given to many of them. You will find that Tobin says that he was sworn, as he puts it, when he joined a band of moonlighters, at page 2096.

“To be loyal and true to his country, and keep down landlords, bailiffs, and agents.”

I must say that oath, to use a certain judge's expression, is very racy of the Land League. “To be loyal and true to his country, and to keep down landlords, bailiffs, and agents.” Well, then we have the words of O'Flaherty at page 742—

“To pay no rent and be loyal to the Irish Republic.”

I should say that was a mixture of Land Leagueism and Fenianism. Then we have the Jago moonlighter again, we had a statement from Jago that he was sworn—

“To be loyal to his country, and to put down landlords and tyrants.”

These are men in different localities: these are men not joining the same local body, or, as my friend Sir Charles Russell would call it, secret society. It is a form of shibboleth that is to be found existing in different localities. Then we have it that as to one of these men—that man Heanne, to whom I have just referred, he was too young to join any society. As to some of them, Burke, Buckley, Flaherty, Mannion, and Coleman too, they had been Fenians. Mannion and Flaherty both swore that they were members of the Land League, and Tobin and Jago, that they were members of the National League. The general result, before I analyse it briefly, you will find, of all these witnesses is that in certain districts bands of men were formed specifically for the purpose of committing outrages: that those bands were composed of men who had been Fenians, of young men who were members of the Land or National League, or else the sons of members; that those being the persons who committed the outrages, the persons on whom the outrages were committed were those who had offended by taking evicted farms, by payment of rent, by working or dealing with boycotted persons, or in other ways offending against the law of the Land or National League. Then there is also proof, as I submit to you, coming from them that there was inter-communication between the local branches of the League and the leaders of those bands, by which the latter learned whom the former had condemned, and who, therefore, had to be punished. You will find, if you do think it right to read in detail this evidence again, you will find that that inter-communication takes place in different forms, as, for instance, Tobin gives an account, question 39,164, on page—I have not at hand—and 39,166, where he swears that the captains of the moonlight bands attended the meetings of the committee of the Land League, and subsequently announced to the respective bands the persons to be attacked. Now, as briefly as I can, I will refer you to what one or two at least of these men have proved, in submitting to you that, if the statement is incorrect, it could have been proved to be incorrect by witnesses accessible, and who must have been willing witnesses on behalf of the respondents, and having already stated to you that, only four witnesses having been called.

I will demonstrate to you that the evidence of these men has not been contradicted in important—most important—statements, in fact, I must say, in almost every important statement which they have made. Then, if that be true, the question to be asked is, why is it whilst persons are denouncing these men as informers, neither those who have the conduct of the case or those whose personal character has been attacked, think it worth their while to call witnesses to contradict the statements that have been so made. Let me give you an example of what I am saying, in the case of Tobin. His evidence is at page 2095, and I have made a summary of it so as not to trouble you to read it in detail.

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Your Lordship will see the account this man gives. He commences by saying that he was sworn in by a man named McEniry, a prominent member of the League, who established all the branches round him, and that he took the oath to be loyal and true to his country, and keep down landlords, agents, and bailiffs, and that, if he refrained from that, he was to suffer death. The observation, in support of what I have said, is this. At question 39,100, you will find that McEniry is still in that district, and without any explanation being given why he should not come forward, and say, "This is untrue," your Lordship now learns that this oath was administered by a known leader of the Land League, and administered for some purpose with no reason given why he should not be called here. My Lord, when the man is speaking of McEniry he is speaking of no unknown individual. That is important. At page 2223 we have an extract from "United Ireland," June 28th, 1884:—

"Duagh (co. Kerry).—Meeting on Sunday, June 22nd. It was addressed by
 " Mr. John McEniry, Kinconlea, Abbeyfeale, ex-suspect, late of the United
 " States, who deserves the credit of organising this branch. The meeting over,
 " the members adjourned to their rooms, where a meeting was held, Patrick
 " O'Connor presiding."

So we have proof from "United Ireland" that McEniry was the person who had organised the branch, and therefore was no inconsiderable man. Then Tobin proceeds: "McEniry said the moonlighters were the only support of the League, and were it not for the moonlighters the League would be no good." My Lord, that represents to our legal view the value of judgment without execution. I have often thought, if you could not execute judgment, that you had no cause of action. That is exactly the view we presented to you that the League would have been no good unless their decrees could be carried into effect. "I was sworn at James Roche's of Knockbeg, who I know very well was a member of the League." That is another name, James Roche of Knockbeg. The moonlighters had three divisions; he gives them, Ahane, Gurtroe, and Knocknagoshill, under Michael Morrissey, Thomas Dennis Connors, and John Griffin, of whom Morrissey and Griffin, the man says, are still in Ireland.

John McEniry was taken up as a suspect, and succeeded by Mongan, a very prominent member of the League. "We met on five occasions, being summoned, and receiving
 " an account from the other members. The captain attended the League meetings,
 " and afterwards at the secret meetings (moonlighting). The captain would explain
 " who was to be attacked, and tell the men what they were to do. The captains
 " were all in the Mount Cashel central branch of the League. I received a gun and a
 " revolver, without payment, and had them off and on, according as I wanted them,
 " for six years. They were hidden. I was authorised to give them up to Michael
 " Morrissey, the captain of the Ahane district. I went four times to attempt to raid
 " Batt Connor's cattle." That is page 2099.

(*The President.*) I see there is a name you have passed over:—

"(Q.) Who gave them to you?—(A.) Matthew Delane."

(*Sir H. James.*) I have got him in the list. I see I have M. Delane's name down. I am much obliged to your Lordship. I summarised it, so as to occupy as little time as I could.

"I went four times to attempt to raid Batt Connor's cattle."

We have that minute book condemning Batt Connor put in at page 5216. I wish to confirm this man as I proceed. At page 5216, when Thomas John Connor was called, you will see the resolution under date February 13th.

"That we likewise condemn the action of Batt Connor in his new capacity
 " of bailiff, through his runner and factotum, James Murphy, in his efforts in
 " trying to coerce——"

and so on. He then proceeds:—

"Thomas Griffin, son of John Griffin, said 'There is 6l. gone, and nothing
 " 'done for it.'"

Well, my Lord, again we have to ask this. Here is Thomas Griffin mentioned and 6l. mentioned. That sum must have come from somewhere, not from these men. It

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must have come from somebody. "We slaughtered three cattle of Miss Thompson's." That was the lady who was in the witness-box. "And I was paid 7s. 6d. by Thomas "Dennis Connor, being told to go to him for it by a member of the League, William "Mongen. I posted up threatening notices against Batt Connor, boycotted by order "of the League, and was paid 3s. by James Mongen. Afterwards I went myself to "work on an evicted farm in August 1887. In September my windows were broken. "In February a shot was sent through the window and my wife was hit. I was "boycotted till April or May, though I gave up the work in November 1887." Now, my Lord, Tobin proceeded. He stated that the man Thomas J. Connor, who is one of the four witnesses called out of the 96 men, was formerly bailiff to Lord Headley, and secretary to the Mountcashel or Knocknagoshill branch of the National League, had offered John Griffin, a tailor, in Tobin's presence, a sum of 5*l.* to lift the cattle of a farmer named Batt Connors. Now that witness is the witness called who denies it. He is one of the four, but if you read that witness's statement you will find he admits he knew John Griffin; that he often came to his shop; that a cow of Batt Connors had in fact been stolen or raided and slaughtered, and he produced the memorandum book of the National League, containing resolutions condemning Batt Connors.

Well, now, my Lord, there was one other witness called who was not named. It may perhaps not assist your Lordship. He was a man named John Greany. He was called at page 5206. He is not named by Tobin. Will your Lordship note this fact? Tobin is a member of the Brosna branch. The matters he is speaking of occurred at Brosna. This man, Greany, does not belong to Brosna at all. He belongs to another branch. He belongs to the Mountcashel branch, and not the Brosna branch, and he admits that McEniry was a member, and the only denial or approach to denial he really gives is as to the man Delane and two men of the name of Leahy, being members of the League. Well, the observation upon that is this. He produces no books to show that, and it is strange that Tobin had only stated he was told those men were members of the League, and had not stated that he knew it of his own knowledge.

Now, one sees these men could have been called—men who were said to have arranged outrages—Griffin, Morrissy, and Mongen, and who were all sworn to be members of the League, and to have planned outrages. Griffin was admitted by Greany to be a member of the League. They are still in existence, so far as we know, and none of them are called. Then, my Lord, there is one more. There is that important man, James Roche, in whose house this planning took place. He remains in that house, I presume, still, and has given no evidence. So far as this witness is concerned, I apportion the number of the persons out of the 96 who could have contradicted him. There are 35. I have not, of course, been reading in detail. There are 35 persons this man has vouched as, either immediately or in a secondary sense, taking part in outrages. There are 35 of them, and there is only that one man, Thomas J. Connor, called. I need not remind your Lordships that those who gave evidence here had nothing to fear; in fact, they had much to gain. They would not have been giving evidence as informers; they would have been denouncing the informer. They would have obtained a certificate of protection if their evidence had been truthfully given; they would probably, at least, have got a certificate of protection which would have saved them from all future prosecution. Yet, my Lord, whilst we had a crowd of mayors and gentlemen who did not belong to the Land League, who came to give evidence, like Archbishop Walsh, to the character of proceedings of which they knew nothing, as I have said, out of these 35 men, who are implicated directly more or less, in connexion with proceedings of the League, there is no one except this one man who has come to gainsay what this witness Tobin has said.

My Lord, as briefly as I can, I will now refer to the evidence in the same sense of this man Jago. He is, I will not say a unique witness, but he certainly is one that is not often seen, fortunately, in courts of justice, because he came to tell your Lordship how he had committed murder and described the manner in which he had committed it. I think you will find his evidence at page 1823. He says: "I joined the League "at Killoo, in Longford, and have continued a member till now. I was sworn by "McNally, a member of the League, to be loyal and true to my country and keep "down landlords." Now, he proceeds in great detail (such detail that I was afraid to weary your Lordships with it minutely) to show how outrages were arranged by the committee of the League sitting in conclave, and that other persons besides those

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committeemen no doubt did attend the conclave. He also (without dealing with the instances I would refer to) says how persons were told off to commit different outrages. Your Lordship will recollect prominently one we heard of—the firing into Scanlan's house, resulting in his wife losing her reason. Then he tells of another attack on a man for taking an evicted farm, for which he had been previously boycotted, resulting in his death. Then he comes to this confession at page 1828: "I often gave a stroke back and forwards. Hart gave me money. It came from the League. Hart told me he got it from Dublin. Hart himself was very poor." The meetings were held in a stable near the chapel where the Land League meetings were held." And as Tobin has been very slightly dealt with indeed so my friend, Sir Charles Russell, passes all this by; while dealing with much history of an interesting character he passes all this by. Then Jago proceeds at the same page: "A man named Houligan had taken an evicted farm, a small piece, a small parcel of land. About 12 months after he had taken it there was a resolution passed at the meeting of the committee of the League. I and Kane, the man whose farm he had taken, were appointed to give him a stroke. I was in Kane's house and we found Houligan going by upon his car, and we let him go a certain distance, and we followed him, and I was the first that went up to him, and I gave him a stroke with clams, Kane being a shoemaker I brought it out in my hand. Houligan was badly wounded. He died in about four days after from the effects. They said nothing about it at the committee after it was done." Then he describes a scene which only shows circumstance connected with this statement. Some porter was given to Kane. Mike and James Quinn, Pat MacVittie, and Hughes were there to drink it. They were all members of the League. I am not able to say from whom the porter came. I will not say what I do not know, but I remember it was got from a house of the name of McHughes. Kane was poor at the time. We had 2½ barrels of porter. Kane stopped one day at home, Christmas Day, and he went away to America on St. Stephen's Day. Any time I would ask a little, Hart gave me money. I often gave a stroke backwards and forwards for Hart. Hart told me himself the money came from the League. He told me he got it from Dublin, from the League. Hart had not much means himself. He was very poor." Your Lordships will recollect he was cross-examined as to the fact of this man not being arrested. I think there was a warrant issued against Kane. At any rate Kane was the person suspected because Houligan had taken his farm, and this man escaped.

Now, out of these numerous witnesses he has mentioned, giving their names and the locality where they reside, only one is called to contradict him. I say he stands without material contradiction. May I mention, without further reference, that you will find corroboration of his story by Doyle, at page 2830, and by a man named Jennings at page 3354. One witness I have mentioned to you, McCarthy, who was president of the League, was called. You will find his evidence where I am about to refer to it at page 5988. I have this observation to make upon this man. His contradiction is not very material. He produces no books and only remembers a few names of the members of the committee. That appears at page 6014. But this important matter does appear. A committee is mentioned by the witness; it had been mentioned by Jago. That committee must have been known to McCarthy, who was president of the League. Now, in evidence he admits this fact—that having heard of Jago's statement as to the acts of the committee, he thought it advisable to call the committee together. My learned friend, Mr. Atkinson, in one of those many able cross-examinations, which from his great national knowledge he was able to apply to Irish witnesses, obtained some facts of an interesting character from him. Will you refer to the last two questions on page 6016. He is asked this:—

"After Jago was examined, was his evidence shown to you?—(A.) I saw it in the public paper. (Q.) But was not a proof of his evidence sent over to you?—(A.) Yes, about a fortnight ago. (Q.) And did you endeavour to investigate whether it was true or not?—(A.) Well, it was often investigated by the people round the neighbourhood. (Q.) The people round about?—(A.) Yes. (Q.) Did you consult with many people about it?—(A.) I went to the committee on the following day, although I am not a member for the last two years. I got it on Saturday, and I went on the following Sunday to the

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“ committee; I left that before them. (Q.) And did they assist in discovering
 “ any evidence to refute Jago’s statement?—(A.) Well, no.

Is not that a most comprehensive admission of the truth of what this man has said? He has not kept back names or spoken mysteriously of individuals. He has stated who these committeemen were and where they lived. The locality is not a very broad one. An inquiry could be made. When this evidence is given, this gentleman, Mr. McCarthy, rightly enough, although ceasing to be a member of the committee, makes inquiries. Some may have gone, and some may have stayed. They are, I presume, men of the locality. Their object was to see if they could refute this evidence. The result is they sent Mr. McCarthy, single-handed, to come here and state the few facts that he did. It is singular, if McCarthy’s evidence is read critically (I do not wish to carp to a hypercritical extent upon this evidence), he never denies many material things. He does not say that he was not present at the committee when reference was made to Scanlon. I see my friend Mr. Reid is quite satisfied when difficulties seem to be thrown in his way, because, as he got Mr. McCarthy to contradict one statement of Jago’s upon one point, Mr. Reid is pleased to say that he is perfectly satisfied if he has got one material contradiction, which I have no doubt he did. Now, I pass as quickly as I can to the third whom I mentioned. That is a man of the name of Buckley. His evidence is corroborated by Michael Roche at page 2301, and Thomas Sheehy at page 2312. His evidence your Lordship will find commenced, I think, at page 1690. My friend, Mr. Asquith, is very desirous I should say that when Mr. Reid said it was quite sufficient for him to get one precise contradiction, which he did, he was entirely in error—he had not got a contradiction. It was an entirely hypothetical view without foundation. This witness, Buckley, at page 1690, says he never was a Land Leaguer, but he was sworn a member of the Fenian Brotherhood by Pat Dee. This man is not an imaginary man. At page 1724 your Lordship will see that in the “Kerry Sentinel” we have this man Dee mentioned.

“ The Reverend Thaddeus O’Sullivan, C.C., occupied the chair. Amongst
 “ the members present were F. G. Pierce, vice-president, T. Diggin, treasurer,
 “ T. O’Connor, J. Barry, T. O’Connor, Thomas Mulvihill, P. Dee, &c.”

P. Dee seems to be a member of the branch only. That man being mentioned, he mentions Pat Dee and R. Dissit. “I swore to be loyal to the Irish Republican Brotherhood, and if I did not obey the orders of the officers I was to be shot.” Now he says, “Although not a Land Leaguer, afterwards I attended meetings in
 “ the Land League rooms, at Thomas Casey’s in the village of Causeway where
 “ officers were elected. There were often meetings there—regular meetings of the
 “ Land League on Sundays and on certain evenings—regular meetings of the
 “ Fenian organisation as well. There was always free access for every member of
 “ the Fenian organisation to the rooms, because the chief officers of the Land
 “ League were members of the Fenian Brotherhood.” Then he proceeds and describes the different outrages in which he was engaged. He was acting as a moonlighter, moonlighting in disguise on Thomas Sheehy because he occupied the land of his brother-in-law, Thomas Donnelly, whom he dispossessed for some money he owed him, and the shooting of Roche who had been expelled from the League for supposed giving of information. He got a brace of revolvers and 24 rounds of ammunition. Then he gives a mass of names at page 1696 where he could have been contradicted most distinctly. “I was promised to get the cost to America. I applied for the
 “ money to William Fenix, the serjeant of the force, Patrick Dee, and Eugene
 “ Fitzgerald. Fenix told me he would have to go to Diggin, the treasurer of the
 “ Land League. They gave me 50s., saying that was all the money that was in
 “ the hands of Thomas Diggin belonging to the League. I told them it was
 “ insufficient. They took me up to Thomas Dee. He wrote a letter to Thomas
 “ Pearce, president of the Land League. I took it the next day. Pearce said he
 “ would go round to some of the neighbours with me to collect money to aid me
 “ in my escape to America. We went first to Thomas Diggin, the treasurer. Pearce
 “ told Diggin to get up and give me some money to aid me to escape to America
 “ from that scoundrel Roche. Diggin gave me 2s. and Pearce 2s. more. We
 “ went to four others, James Halloran, Michael Prenderville, John Fitzgerald,
 “ and Pat Diggin, all now living in the neighbourhood.” My Lord, I must repeat it is

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impossible that those who are conducting the case for the respondents can escape from the proposition that these men ought to have been called. "He asked them for some help to aid me to go away to America. They promised it in a few days' time, but they did not give it. I returned to Causeway and told Thomas and Patrick Dee. Thomas Dee gave me a letter to take to Thomas Dowling, of Lixnaw, secretary of the Lixnaw Land League. He told me he had written to Dowling to tell him to try and make up some money to aid me in my escape to America. I took the letter the next day. Dowling gave me 5s. He directed me to go to Eugene Costello and Edmund and John Walsh. Afterwards the summons came on, and I got off. William Fenix and Pat Dee applied for the money back. I refused. They expelled me then from the association." Well, my Lord, there must have been some record of this failure of consideration for this money. It must have appeared somewhere. This is an important matter. "They expelled me from the association. I never attended Land League meetings after that, and the people did not speak to me on near such familiar terms as they did before." Of course as he got off he was not nearly so meritorious a man as if he had been convicted. The fact that he had committed the offence seems not to have weighed much. There is one passage I have marked to read, if you will allow me to do so, at page 1730. It is a rather graphic description of what is said to have taken place:—

"In November 1881, Moore Slack, and Mr. Aanlon came out to Causeway with a third person, whom I did not know, but was told he was an attorney's clerk, to elect a head centre in place of John Lynch, who was also a Land Leaguer. About 20 of us met in the League room. Robert Dissit proposed Fitzgerald and Maurice Murphy, Moore Slack said before the election took place, that, as Fitzgerald was a young man, he approved of Edmund Somers, who was proposed also by Maurice Murphy, but Somers was elected. Moore Slack then asked the members which they would prefer, revolvers or rifles, and the majority said revolvers, as they could be carried hid from the police. He advised every man in the room not to allow any landgrabbing in the neighbourhood, and if they refused to give up the farms when called before the League, to shoot them down. All the names I have mentioned were members of the Causeway and Lixnaw branches of the Land League, save Moore Slack and Aanlon, who belongs to the Tralee branch. I am willing, if called upon, to state all this before the Commission now sitting, as a witness."

That statement was put in evidence. Surely there is circumstance enough deserving of some reply. But little is said of this man by my learned friend or by any witness. Of all the persons named, and you see now how numerous they are (I begin to think my 96 formed an under-estimate) the only witness who is called is Henry O'Connor. He is called at page 5302. Will your Lordship note that at page 1710 Buckley had said that this man O'Connor had nothing to do with planning the outrages. Yet he is the only witness who is selected to be called here. His contradiction is but very slight. It amounts to this: that amongst those whom Buckley identified as leaders, he says Fenix was not a member of the Land League, though he was a member of the National League, and that Fitzgerald was not a member of either; while he admits that both of these men were members of a certain body of men who formed a band of music, and that members of the band, of which Robert Dissit was the master, had access to the room in which the committee of the Land League met; that one of the bandsmen always remained in the room during the meetings of the committee, to protect the instruments, and that the bandsmen met in the room afterwards. He knew, he says, a secret society existed; he had a suspicion who they were; he admits he may have come to the room, and he cannot answer whether the persons who met there did or did not belong to the secret society. There is an answer, too, of O'Connor's, I see, to Mr. Davitt, where he denies he attended a meeting affecting a man named Boyle, for taking one Sullivan's land, as stated by Buckley. It was only because they were called for the purpose of entering a protest against the taking the land of one Thomas Sullivan. He admits they were called for the purpose of entering a protest. But Buckley did, as a fact, identify Fenix and Fitzgerald as leaders. It is to be remarked that O'Connor, when pressed about boycotting, at question 81,730, says this:—

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“ There was something in the shape of boycotting. There was a case where Terence Boyle took land belonging to Sullivan.”

This is the instance your Lordship will recollect which Buckley gave.

“ There was a case where Terence Boyle took land belonging to Sullivan. It was not a case of landgrabbing. Sullivan owed him a great deal of money, and when times were depressed, and he was not able to pay, he gave him over the land for 10 years.”

Then he says :—

“ The Land League did not know the circumstances at first.”

My Lord, I have very few observations indeed to make as to the man Thomas O'Connor. He is a witness who, I quite agree, whilst I ask you to rely upon matter where he is corroborated, I cannot place in exactly the same position as I placed Jago, Buckley, Coleman, or Mannion when I addressed you the previous day. I am passing O'Connor by; whilst I ask you to accept his statements in two directions, namely, where he is confirmed and also where he is not contradicted and could be contradicted, yet, my Lord, I am aware that his cross-examination placed him in a different position. You will recollect what that cross-examination was with respect to statements he had made in writing, and also of course in some respects he was contradicted, especially by Mr. Harrington, with respect to payment of money by Mr. Harrington.

One other man, however, I do wish to refer to very briefly, and that is the witness, or informer, Coleman, whose evidence begins at page 3410. This witness, you will recollect, deals with what is called the Crossmolina district, one, unhappily, very distinguished for crime. Your Lordship will find corroboration of this witness by Francis Connor at 3459, and John Anderson at page 3466. I will only give your Lordships the reference, if you will allow me. The principal testimony given by this man, who, I think, came from America to give his testimony, refers to the acts of a person of the name of Macaulay. At page 3411 he gives details of what Macaulay told him, and he says :—“ I always understood that Macaulay was a member of the League. I was led to believe that I was doing the work of the Land League. Macaulay was a member either of the Ardagh or Crossmolina branch. I guess he is in the parish of Crossmolina.” Now, there are numbers of men mentioned by him, whose names I will give you, and, if necessary, the reference to the evidence—Burke, King, Harrison, Mulloy, Edward Clarke, Higgins, Kane, Melvin, Durkan, Pat Walsh. They are mentioned between pages 3419 and 3466. They occur at intervals, and their names are mentioned; and I do not understand that there is any denial that they were members both of the Fenian body and also of the National League.

Now, my Lord, there are outrages spoken to and, as far as I know, no one questions that these outrages took place. They were actual outrages. And again I say no denial has been given by any one of these persons. Reference is made to that man Patrick Nally, and it seems, as far as I can judge, that whilst they were advanced Nationalists, they would also be persons who would sympathise with the Land League, so far as the Land League would go with them at any rate. Your Lordship will find at page 3436 this man Nally writes thus :—

“ The people are all determined to allow no frauds amongst them for the future. They will tolerate no dictation from any spouter.”

At page 3435 you will find also this :—

“ If men are to work for the people let them do so without pay, and let this cash be given to the evicted and poor people. Such has not been the case, principal part of funds are grabbed up by the officers of League.”

I think all we can say of the result of these letters is that whilst he was preferring physical force, at the same time he was willing to assist the League. At page 3433 you will find it stated by Coleman :—

“ Macaulay told me that Nally took an active part at Land Leagues, and rode at the head of the Land League meetings with a sash, and led the men there because the Land League fellows were dying out, and he was encouraging them.”

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Your Lordship will recollect that Nally is one of the persons who were sentenced for this Crossmolina affair. We have praise of this man Nally by Mr. Davitt on page 2848. We have poaise of him by Mr. Parnell at pages 2254 and 1643. Your Lordship will recollect it well, having heard it so often. It is certain electioneering matter. Mr. Parnell at page 2254 says of this man, who has been sentenced for this affair:—

“I wish to say of Mr. P. Nally that he is a man who performed great and
“ important services in the cause of the Land League when it was formed in this
“ county—the county of its birthplace.”

Of course you will recollect too the explanation that those were words of electioneering exaggeration.

Then I come to the last of these men to whom I shall make any reference, Michael Burke. His evidence is at page 1454 and it bears upon the murder of Lord Mountmorres principally. He says about 14 or 15 years ago he joined some society in Jarrow, and about eight years ago went to live at Ballynonen. “I took an oath to be secret. It was something for the purpose of Ireland.” Then he says he did not know what “Ribbonman” meant. As far as we can judge from the cross-examination, his oath was not a Ribbon oath. “I attended meetings at Cong, Robeen, Clonbur, and “ Tourmackeady. I heard some of them say it was Land League, and I heard some “ more call it the organisation or something like that. I did not know exactly what “ it was.” That is at page 1482. “Pat Heffron and I collected some money, about “ over 30s. or something. I think it was for the purpose of meetings and scarves and “ things. Meetings used to be held in Pat Kearney’s house sometimes. I remember “ a kind of meeting, about 20 people in the back-yard of his public-house.” Then he gave the names of men who attended at page 1455: “Martin Fallon, Pat Barrett, “ Kearney, Sweeney, and others were there. It was drawn down that Lord Mount- “ morres should be done away with. Mr. Lynch’s name was mentioned. It was “ disagreed on. There was a few words on William Burke, of Lisloughery, near “ Cong, but he had protection at the time and it was dropped. A fortnight after “ I was working at a place called Kylebeg belonging to Lord Ardilaun, about “ a mile from Clonbur, building a wall, with Thomas Corbett, Thomas Hogan, “ and Michael Kelly. We were in a field a bit from the road. I saw Sweeney “ coming from the road. I suppose the others saw him. I could not swear “ whether they did or not. He called me aside a little to him, and asked “ me if I would assist that evening to do away with Lord Mountmorres. I said “ I would not. I had a wife and family to look after, and I might only for that.” “ He means, “I might have done so, only for that.” “Afterwards, between “ 12 and 1 o’clock Pat Mulroe came. He did not say much, but he said he “ expected Lord Mountmorres was going to be done away with that evening. I saw “ Lord Mountmorres twice that afternoon. He drove first from Clonbur, and I saw “ him again driving into Clonbur about half-past four. At 6 o’clock I left work and “ went to Kearney’s public-house. I saw Kearney, Sweeney, Barrett, Martin Fallon, “ Thomas Murphy, William Hansbury, Pat Henilly, William Burke, a house full of “ them. (Q.) Were they members of the League?—(A.) Oh, yes, Pat Sweeney asked “ me at the door if I was going to lend a hand to murder,—to do away with Lord “ Mountmorres. Afterwards Kearney asked me. I gave consent to Kearney. He “ told me I would be better to go along with the rest and lend a hand. I missed some “ of them—Sweeney, Mulroe, Fallon, I think, Thomas Murphy—after that, I think “ Kearney went out, and I was inclined to go, but I met Kearney on his return at the “ door, and he told me to return back, that it was too late, so I turned into the public- “ house and remained there. About half-past eight or nine Pat Mulroe came back. “ I see some of the wounds on his hand, but I cannot say what it was. I went some “ little way with him on the way home. He said that they had done away with Lord “ Mountmorres.” And whilst those names are given in full as being persons who were taking part in arranging, some of them, in carrying out this murder, this man is entirely uncontradicted. There is one witness, a man named Edward Jennings, who endeavours to prove the date of the establishment of the Land League. He produced no book or document of any kind. He could, when tested, gives the names of only six persons out of the many people who belonged to the League, and when on cross-examination his evidence is tested, I submit to you, if it is right, it falls completely and entirely to the ground.

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I have only to refer you to the way in which this business was carried on. You will find a specimen of the moonlighting orders at page 1367. They are signed, of course, only under the name of "Moonlight." At page 1367 there are directions given as to how persons are to be dealt with, signed by "Moonlight." Persons are to be clipped and persons are to be shot,

I have now to deal with this head of the evidence, referring to the informers. I have dealt with the material ones, and those that I thought presented very grave matter for reply, which, as I have submitted to you, has not been given. I think I could occupy the time that is at my disposal to-day by mentioning to your Lordships now, those persons, of whom I have already referred to, many who ought to have been called as witnesses, and who, I suggest to your Lordship, were bound to have been called as witnesses. I have referred to the difficulty that my learned friend may have had in conducting the case, but as a rule there are some things counsel can do in order to fulfil any statement they make. My Lords, sometimes counsel certainly can so control a case that they can determine the witnesses that they can put before the tribunal investigating any issue; and my learned friend Sir Charles Russell, feeling such to be the case, made a statement to you, which you will find at page 3613, and it is made, as your Lordship will note, on the 13th March, in which my friend says:—

"Of course there is no doubt as to certain witnesses who will be called before you—that is to say, every one of the persons who have been charged as persons incriminated will be called before you."

My Lord, my friend made one exception. He made an exception in respect to Mr. John Dillon, who is absent in Australia, but who had appeared in this court at a time when it was scarcely possible he could be called. But with that exception my friend pledged himself that he would call every one of those persons charged, namely, 65 members of Parliament. He also made one other distinct pledge, to which I will refer you and give you a note of. It is included in this pledge, but he specifically marked out Mr. John Redmond and stated that he should be called before you. Now, all I will say of that gentleman is, that he is an important witness from his position, from the speeches that he had made, from the fact that Mr. Parnell had had cause to dissent from those speeches. Well, my Lord, I will do all I can now (I will say nothing of what I have done) to create as little friction in this case as possible; but my learned friend, Sir Charles Russell, must not complain if in return for the numerous complaints that he has made against some of my colleagues, if not against myself, I do in the mildest language that I can employ suggest that we have a serious complaint against my friend. My Lords, this is a personal pledge. The withdrawal of my friend from the case has nothing to do with this, because I have pointed out to your Lordship that it was announced on the part of all concerned that only two more witnesses were to be called on the part of the respondents, namely, Mr. O'Kelly and Mr. Matthew Harris, and when my friend made that statement on the 13th March he conveyed to the counsel to whom he was opposed that they were to have an opportunity of cross-examining those 65 gentlemen, and we conducted our case from beginning to end upon that supposition. My Lord, without comment, without reference, without explanation of any kind, that promise has remained unfulfilled, and remains unfulfilled, in a substantial manner. As I told you, there were 65 of these gentlemen charged. There is one of them. Mr. Pyne, who I believe is dead. I think the others are living. Mr. Dillon is away, and it may be (one learns from public report) others may possibly have been absent. If so, they are very few. Substantially, the matter stands in this way, that out of the persons mentioned there are 32 who have been called, and 33 have not. If you treat Mr. Campbell as neutral, because he was called for a purpose, and not persisted in, you may take the numbers as pretty near equal. Well, I ask where are these 32 persons who were promised to have been called? I do not wish to overstate what I am submitting to you. It may be a great many of them are immaterial; no doubt some of them were. But there were some of them who were very material, and those material witnesses—gentlemen, with respect to whom evidence has been given without, as I say, the slightest explanation—have been absent from the box, and the fulfilment of my friend's promise is not accomplished.

(*The President.*) I think it right to point your attention to the fact that Sir Charles Russell said, with regard to the Members of Parliament who were only members of the League—

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“ They will certainly be put into the box if my friends or your Lordships desire it for the purpose of cross-examination.”

(*Sir H. James.*) But my friend's statement, as we understood it, was that he would call them.

(*The President.*) I am reading you his words.

(*Sir H. James.*) Will your Lordship give me the reference?

(*The President.*) Page 3613. It is: “ if my friends or your Lordships desire it.”

(*Sir H. James.*) I admit I had read it as a more absolute promise. I have these words before me: “ That is to say, every one of the persons who had been charged as persons incriminated will be called before you.”

(*The President.*) Read on.

“ With that exception, every Member of Parliament who is included in the list of incriminated persons will be called before you, to give evidence-in-chief; or, if it be the case, as there are a great many where there is nothing directly alleged against them, except the fact of their being members of the Land League, they will certainly be put into the box, if my friends or your Lordships desire it.”

(*Sir H. James.*) Those words really do mitigate what I have said, but, in the first place (I am sorry I cannot give you the reference) there is a direct pledge that Mr. John Redmond should be called. I will promise to give you the reference. For one moment only has it escaped me. It has been before me this morning. I will give it. There is an important matter I should have thought in respect to the evidence, namely, that Mr. Jeremiah D. Sheehan writes a letter with respect to the treatment of the Curtins in terms to which we have called attention, and shall call attention again. I could go through some of these names; for instance, Mr. O'Brien, who dealt with the jury list. Can anyone say that is unimportant? And whilst I thank your Lordship for mitigating the extent of the promise that my friend gave, still here are persons affecting whom important statements have been made, and no explanation is given why they are not called. My Lord, I pass from that list, and that promise, as I say which I have regarded in the sense I have mentioned, to another short list I will give your Lordship. Will you notice that we have had certain officers of the Land League mentioned, Quinn, Doriss, Harrison, Burton, Pearce, and Tighe, some of them not so material; but men like Quinn, the confederate in the Horan letter transaction, the assistant secretary of the Land League, who was in the Court day by day, is absent; and of these other persons who could have given you information as to books or aught else, not one is called. My Lord, there is that most important witness as to the English Land League books (I am told I lessened the area of the observation I could have made as to the absence of cheque books and other books not being produced)—I mean Mr. Brady, who Mr. Reid says, is in Court,—and Mr. Reid's attention is directed to the importance of his evidence. Of all the organisers not one is called except Harris. Mr. McGough, dealing with all the legal affairs, is not called. Father O'Callaghan, the man who is pledged to be the recipient of the knowledge in respect to Horan's affair also is not called. And as I have gone through the witnesses mentioned by the informers not called, so in respect to the army of witnesses that Le Caron's testimony calls into existence. If he be saying what is untrue, not one of them is called before you either; and so, my Lord, I could go on, if this case were dissected, adding to this long list, showing to you that, whilst we have had witnesses like Mr. Biggar, forgetting everything, whilst we have had mayors from different boroughs who came with no knowledge of affairs, whilst we had the clergy represented by his Grace the Archbishop of Dublin, knowing nothing, and whilst we had Members of Parliament, many of them very slightly or comparatively slightly affected by this evidence we have given, material and most material witnesses as to the substance of this matter, who could have thrown a light upon the evidence which has been given, have been absent, and intentionally absent, from this box.

My Lord, I shall not use legal argument to say to what extent presumption shall go against those who can deny and will not do so; but it must be a matter of plain common sense that whilst this inquiry has attracted more attention probably than any judicial investigation, whilst months have elapsed since all the material matter that could be contradicted has been given in evidence; whilst opportunity has been afforded and means have been at the command of these gentlemen who represent the respon-

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SIR HENRY JAMES.

[Continued.]

dents to obtain from willing and sympathetic witnesses, without obstacle in their way, the necessary testimony for contradiction to be given, in almost every case, at least I say in the great majority of cases, where testimony has been direct and affecting the position of the League, and those who were acting in connexion with it, that contradiction, if it could have been given, has not been afforded to your Lordship.

May I state now that I have dealt with the principal portions of this case in its entirety. I am glad to say that the one remaining subject—not an unimportant subject—is the proceedings in America subsequent to the Washington Convention of 1882. That I have to deal with; and there may be, there are in fact, one or two smaller subjects to which I must still refer to. But you have shown me so much consideration on previous occasions, that I would not trespass upon the indulgence your Lordships have shown me, to ask for any further adjournment. I should prefer, if you would allow me, to finish to-morrow.

(*The President.*) Certainly.

(*Sir H. James.*) And I hope I shall be able to bring to a close what I have to say before the expiration of the time we generally sit to.

(Adjourned till to-morrow at 10.30.)

Mr. James Collins
Convent Hill
Dumfries
Co. Down

Friday Nov. 22. '89

34

Sir H. James lost day

772 - And John Redmond Chicago

687-

Last(?) visit to America

"Narrower" Body - "The old Law League of America".

Astor House Conference.

12 Davitt visit
Egan - then U.S.

87 - Davitt met Chicago 7th and 3 of L. League.

118 Davitt speech maintaining alliance

13. Visit Egan in France after returning from America
"Circular Secret"

24. Russell on Le Caron

83 "Circulars"

76 - Alexander Sullivan President U.B.

44253 (Reads Circulars) Bombastic Rubbish.

74 - "L" The President of Clan No. Gael.

576. Patrick Egan arr. Am. 3. March '83

577 - 30 March 83. 2nd Circular, "R. D."

Instructions given about raising funds - no talk of taking National League funds for purposes R.D!

457. "Cipher" explained.

817. Local for explosion dynamite.

571. April 13. 83 Dr. Gallagher arrested

659. Gallagher & Thomas attempts discussed by Clan in Convention. Le Caron present

816-17. Dispatch John Finerty re/ explosion in London. "Gladstone more responsible than anybody." (Just here Lord R. Churchill just came in to enjoy this expression about the "G.O.M.")

11 Oct. '84 H. Ireland on Alex. Sullivan, Collins, Finerty, Boyle & Kelly as Devry.

* Philadelphia Convention * 25 April '83.

157. Meeting Irish Party re/ Parnell visit Philad.

255. What Davitt Said.

57-8 "Nation" reference this Conv.

578. Circulars again. Date early '83

(Reads)

Book page 24. Davitt's book. Call for Convention

(Reads another Circular - abt. delegates & expenses re/ Phil^a Con.)

Reads from Report - Convention.

15. Report report.

16. Committee list. ~~Thus~~

19 Report

26 April. Convention General Body

35 page 29 - 650 Delegates - 468 of this League Delegates
39 - Committee on Resolutions
45 - Report Submitted.

only part of resolutions read by James
Sinnott in fact was hauled down
John Byrne & Fr. Connolly elected as vice President.

This conclusion about the Convention

2579 Reads another Le Canon Circular re/- this Convention
(Clan "could not come in their name" - How then could

2209 "Non-Clanmen knew who were present.
Slight corroborations" Le Canon. U. Ireland

2583 .. Brennan present - Secret Conventions.

2588 - May 12. "Circular" Cork-a-doodle-do" or Phil. Con.
(1200 Delegates present - unknown to each other!

* This Circular important *
2590. Assurance R.D. "effective work" going to be done.

* "When opposition was not so active as now" 1881-1882
now

2759. 14 May '83

3760. "Union maintained" &c.

4046 The Irishman 12th May '83. Mischievous & Iridiot.

6082 "Reminis: The Irishman organ of the P. Party!"

"Matt Harris" again - this time in America. Many among the
(God for Matt - only he "aggravates dynamite party") Prophets!
Doubt on Sheridan.

2216 Eyes on more rope. This read again - this about 12th time read.

2571 - Conversation Le Canon Sullivan.

2013 Capt. Plunkett

(Severe against James re/- Jim McDermott)

2591 - Sept. 16th '83 "Circular" again

* List of explosions - given as the basis of MacMahon of the Speech
(L. Chief Justice has said "war could be carried by dynamite.")

James reads & listens from this Circular

2750. Eyes connection Clan. Na. Gael

2594 .. ~~Boston~~ "Circular" May, 5th

Two factions in "U.B." old, & B. New & S. Period of the
Triangle.

Meeting in Paris - Casey speaking on dynamite.

2725. - Eyes further action. Forming Camp. Lincoln, 84

3950. Patrick Ford on Brothers Redmond (in Ill.)

2615 Eyes on Sam Anderson to Le Canon - Conversation.

The Boston Convention Aug. 1884

36

6. Book Conventions Rules on guidance.

17. Permanent organization.

18. Gannon

20. Starting Parliamentary Funct.

(As reply to James Agnew on this Convention, refer to the Circular of Leeson in which opposition to U. B. was anticipated)

17. James refers to this Circular.

8. "Poisoning the American mind against England". England never

25. 2nd Circular read.

poisoned anyone's mind yet Ireland! No!!

James running the U. B. & League Conventions into each other & confusing them for obvious reasons.

Refers to Parnell's denunciation of dynamite & Ford, referred to. Irishman again. 7 Feb. '85. Par. read.

8. One more "Circular". "Triangle" against ^{Phgan.}

9. Open Circular National League Signed "Charles O'Neill". Roger Walsh.

30. "Clan" direct agent collecting money.

38-9. Irish world collecting money P. Fund.

32. Leeson's evidence. Yet another "Circular" re P. Fund.

(Judge Day, very wide awake to day)

Reads this Circular nearly whole - answers challenge to name date of alliance.

59- Parnell Reception Committee named by Egan.

One more Circular - Dec. 18. '85

635 - Circular read.

Chicago Convention Aug. 1886.

636-7 Circulars yet! Read pretty fully.

(General election took place Nov. 1885.)

640 - Call ~~Chicago Con.~~

3 Call from Executive Com. re Con. of League.

— Pittsburgh Com. "I. N. B." in future - Circular.

Three meetings - Ogden Grove meeting

614. Convention "Battery D."

Wm. O'Brien & John Redmond attend

572 7 — Denunciations dynamite - policy only.

572 3 — Speeches read from Sullivan, "Amnesty".

572 4 — Privy Council meeting

574 4 Quota: Quotes denial Privy Council

575 4 — another statement for me:

Convention Proper - goes into.

The "Judge" quoted from

Resolutions - referred to, but not read.

Sullivan quoted.

Ref. Funnery - & what James says: See Le Caron's evidence where he says Funnery was selected by Clan Caucus to preside at Convention.

(See also if money act? is not for N. League.)

The Funnery -- Daritt row.

Committee of Seven. "These are Clan Na Gael men" (20.)

2689 "Sad meeting" - 1888 - Clan Na Gael
John Jameson - Circular to Le Caron

Conclusions:
Deals with

Parliamentary Fund - adroitly insinuating.
£10,000 paid to Irish M.P.s in 1888.

Answers Challenge made by Russell & self:
(clearly strikes challenge at once)

Quotes several generalities as "proof" of alliance
"Politics that outrages Sh. Leese is Ireland".

Brings in Curtin & Fitzmaurice case

X (Most unfair to hint that Curtin was killed because he had paid his rent - when he was actually president member of local League!)

Sheehan's idiotic letter read, with effect.

6130. Some one makes another imbecile pronouncement.

"The inference" he draws from this.

“Uncorrected Proof.”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT, No. 1,
Friday, 22nd November 1889.

(*Sir H. James.*) I have to renew my thanks to the President for having called my attention to the words of limitation in my learned friend Sir Charles Russell's promise, as to calling witnesses. They were the words, certainly, that had escaped me; I had read a portion of the paragraph only, but, my Lords, there are one or two matters in relation to the promise that was made to which I would now refer. At page 3835 my learned friend said:—

“ My Lords, what were the proceedings at the Convention. We are able to call before your Lordships witnesses who were there and took an active part in those proceedings.”

This is the Convention I shall have now to deal with:—

“ Mr. William O'Brien, Mr. John Redmond, Mr. Deasy, three members of Parliament, and Mr. Davitt.”

My Lords, Mr. John Redmond and Mr. Deasy have not been called. I have—of course outside entirely—external information, but I believe Mr. Deasy is in Australia. I am not told when he went, but the pertinent observation I have to make is in relation to Mr. John Redmond.

(*The President.*) Is that what you had in your mind on the subject of Mr. John Redmond?

(*Sir H. James.*) Yes, one of the matters I stated to you that there had been such a communication made by my learned friend to him, and that was what was in my mind.

Then there is another reference at page 4148, Mr. Parnell's attention having been called to certain entries—I am giving it exactly:—

“ To Redmond 170l.”

Mr. Parnell himself says:—

“ I should think, my Lords, Mr. Redmond would be able to explain it.”

(*The President.*) What page?

(*Sir H. James.*) Page 4148, question 65,175, and then Mr. Justice Smith said:—

“ Which Mr. Redmond?”

And Mr. Parnell said:—

“ It would be either Mr. William or Mr. John Redmond, but I cannot recollect which.”

Further, my Lords, at page 4772 there was a speech—I will only call it a serious speech—made by Mr. Redmond in Chicago referred to, and then Mr. Reid says at question 72,344:—

“ We will have that from Mr. Redmond when he comes into the box.”

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SIR HENRY JAMES.

[Continued.]

It is page 4687 he refers to that. That I take to be Mr. William Redmond; the first observation I gave to you was directed to Mr. John Redmond; this to Mr. William. Will you also allow me to point out that at page 3241, the question having arisen in respect to handwriting, Mr. Campbell is called, and to handwriting alone is his evidence confined. My learned friend Sir Charles Russell then said:—

“Of course, everyone of those witnesses will be recalled.”

It is just before Mr. Campbell. I am sure that intention has escaped my learned friend's attention. At the same time, having pointed these matters out, I quite accept the limitations that ought to be put upon the general promise.

My Lords, I have now to direct your attention to the events that occurred in America subsequently to the Washington Convention, which was held in the spring of 1882. This subject is most important; it is somewhat complicated, but if I can place before you in an unbroken thread a detail of the circumstances attending this American action, I am sure, when the result is arrived at, you will not think the time has been well spent in so working out these circumstances, and you will think that the matter is of very grave importance.

My Lords, may I remind you that, in dealing with the American case, we had brought the relation of facts, as it were, to two terminations. We had dealt with the Chicago Convention commencing on November 30th, 1881, extending over the subsequent days, December 1st and 2nd, which was a convention of all associations that chose to attend open, and placing the Irish movement in America upon the broad basis of united action. I had shown to you that the power of that body had been vested in this executive committee of seven, presided over by the chairman, Mr. Betts, a member of the Clan-na-Gael, and that the committee consisted of seven members, and contained a majority of Clan-na-Gael members also. And then dealing with the narrower body, that which represented the old Land League, that dealt with the acts at the convention, as Mr. Davitt termed it, from Washington in April 1882, as Le Caron termed it of the meeting of 1882. It was clear from the return that it was a large gathering, and the result of it was that a Clan-na-Gael chairman of that body was elected, Mr. Mooney; and also that a resolution was arrived at, to confer with the executive committee of seven that had been appointed by the Chicago Convention. So we left matters, and if it will assist your Lordship that I should at once state to you the end to which, or at least I am now seeking to arrive, I will say to you, that I am somewhat confident; I can show to you step by step the Clan-na-Gael became paramount in that body which represented the Irish-American movement; that it took possession alike of policy and of government, and that that body is controlled by the Clan-na-Gael, and is substantially nothing more than a body for carrying out the policy of the Clan-na-Gael. My Lords, of course I have to make good my words; I propose doing it by the documentary evidence—by the documentary evidence which has been placed before you much of which is common ground to us. Also I have to work in the statement and the documents of Le Caron, confirmed step by step by other open and public documents. Taking up the history of events you have it established that on October 4th, 1882—this is a plan I desire to work to—the “Irish World” declared it no longer sympathised with Mr. Parnell's policy, and it ceased to collect money.

But, my Lords, going back in order of date we have Mr. Davitt, after visiting Patrick Egan in Paris, starting for America for the purpose of making a short lecturing tour. It is a matter that need probably be scarcely vouched by direct quotation, but you will find that at page 5612. Then we have a statement which you will find at page 5687, that Mr. Davitt met the committee that had been appointed by the Chicago Convention, together with the three representatives of what I still call the Land League as distinguished from the general body, making the 11 to whom Mr. Davitt has referred. Then, my Lord, we have it that upon the 19th June Mr. Davitt made a speech—a somewhat important speech—which is set out at page 5618. It was a speech that I say should be read, showing that Mr. Davitt was desirous of maintaining an alliance with the extreme section of the supporters of Mr. Parnell in America. The important words are:—

“I make the same declaration which he had made in the ‘Standard’ newspaper.”

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SIR HENRY JAMES.

[Continued.]

And then he proceeded :—

“ In doing this both in London and New York I neither condemn nor repudiate those who rely solely upon physical force for the redemption of Ireland.”

Your Lordships will mark these words :—

“ I neither condemn nor repudiate those who rely solely upon physical force for the redemption of Ireland. I severed my connexion with that party from the full conviction that its leaders in Ireland honestly desired me to do so, on account of my active participation in a legal and constitutional agitation, and from a full conscientious belief that I could serve the dual cause of social and national reform all the better by throwing myself into the ranks of national effort for Ireland, unfettered by party ties, or the prejudices which are engendered by party associations. I have been charged on this side with ignoring or refusing credit to the Nationalists in Ireland and America for their support of the Land League movement. I am glad to have the opportunity of declaring that such has never been my intention, and of stating now, what it would be unjust either to conceal or deny, that the rank and file of the Nationalists in Ireland, and both leaders and followers in America, have contributed to the success of the Land League movement.”

That is a speech which I submit to you was full of encouragement to those who had been accepted into this alliance, unfettered by restriction, of whom Mr. Parnell says, and Mr. Davitt also states, had never been asked if they were Fenians, or whoever they may be, to give up their opinions, or give up their method and manner of action.

Then, if I may dispose of Mr. Davitt—I mean dispose of his action in America—Mr. Davitt, after carrying out the view he had in making this short visit, returned to France—it is at page 5613—in order to see Mr. Egan, and he went direct to Patrick Egan. Now, I have to take the action of two bodies, namely, the Clan-na-Gael action, which of course was secret. They were, as we know, a physical force body, having to keep their action secret. We also know their action from circulars that have been produced by Le Caron. I have stated something in relation to Le Caron’s credibility. May I remind you that Sir Charles Russell has never, as far as I have read the speech, thrown the slightest doubt on the authenticity of these documents. You will recollect they have not been made for the purpose of this inquiry. It has never been doubted that these were sent, according to their dates, years ago, and have been held in this country, and so it is impossible to suppose that Le Caron at that time was anticipating any investigation such as you are now making which would be affected by these documents to my mind. Sir Charles Russell, at page 3624, apparently treats Le Caron as a witness of truth, because my friend said :—

“ The man Delaney, the man Beach or Le Caron, who I regard—I may of course be wrong in taking that view of the case—but whose evidence I consider the most valuable that has been given in this case in the interests of Mr. Parnell, was examined here, but we never before heard his name—we knew nothing about him.”

So I may say I am certain that my friend would not have regarded the false testimony of a witness as being valuable to Mr. Parnell. He must have regarded him as being the witness of truth. Then, my Lords, to show that my friend was putting these documents as being correct, at page 3803, my friend takes hold of the document that had been produced by Le Caron, the report of John Devoy which was presented in August 1880, and my friend accepts that, he takes it and reads from it, and argues upon it regarding the contents as correct.

Well, then, my Lords, I may mention to you there was one power in this Court to test the credibility of Le Caron—Mr. Davitt had been in America. Mr. Davitt himself said he accepted Le Caron’s hospitality and his care. Mr. Davitt knows more or less a great many of these persons whose names have been vouched, and the circumstances connected with their action established by Le Caron’s evidence. Mr. Davitt has shown neither want of courage nor want of ability in dealing with witnesses whose

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SIR HENRY JAMES.

[Continued.]

testimony he desired to destroy, and Mr. Davitt, knowing Le Caron, sat quietly by, and let Le Caron pass from that witness-box without asking him one question respecting these matters to which he had testified. Therefore I should, without prejudging the matter, deal with these documents produced by Le Caron, as they will be regarded by your Lordships as representing here public documents that are authentic.

My Lords, we have at pages 2572 and 2573 a document—a circular addressed by the president and another official of the Clan-na-Gael to that body. Will you note that at this time Alexander Sullivan was the president of the Clan-na-Gael and since. You will find that proved at page 2576. It is the next page but one to where you are reading, question 44,233. Sullivan was then president of the United Brotherhood of Clan-na-Gael, and as I am about in a short time to show to you, that he was president also of the greater body—the Nationalistic body of America—we shall have the same handwriting in these documents, controlling the policy of the Clan-na-Gael, which afterwards, you will find, controls the policy of the larger body, and so this document becomes, I will submit to you, one of considerable importance. I will read it as shortly as I can.

It commences:—

“In view of preparatory work now being conducted by the Revolutionary Directory, we deem it necessary to appeal to the organisation for an immediate and special effort to strengthen the hands of that body. We ask every camp in the organisation to endeavour to raise a sum equal to 5 dollars per member, and to have that sum in the hands of Z ——”

That, my Lord, is the treasurer; we had that proved.

“subject to the order of the Revolutionary Directory within 30 days.”

Then, my Lord, to read only what is important, will you pass on for about 10 lines? And it commences:—

“Neither will we make any bombastic promise that within any time definite the world will be startled ——”

Will your Lordships note that?

“Neither will we make any bombastic promise that within any time definite the world will be startled because this is the golden opportunity. There are no more useful asses in the service of the enemy than those who imagine they are serving our cause by clamouring for immediate action, and preaching in the side walks about the opportuneness of the present moment. Such talk retards our action, and the man is not a revolutionist who does not know so palpable a truth.”

May I suggest that you now see dissent from the talking of O'Donovan Rossa, who comes within the classification that was mentioned here, and who is specially noticed by Mr. Davitt that he was a distinguished individual, because I think he called him a blatant ass in writing to Mr. Harris.

“If every revolutionist in his public utterances while preaching the right to do something, would lament that there was no prospect of anything now being done ——”

Now you see what is meant.

“much less vigilance would be exercised by the enemy, and much work could be done cheaply——”

This you know is the work of dynamite and assassination,

“without expectation or suspicion on the part of the enemy, which is now by our senseless clamour rendered next to impossible. We should learn a lesson from the Russian revolutionists. They recently allowed the impression to get abroad that their organisation was crushed, yet the first bridge over which the Emperor

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SIR HENRY JAMES.

[Continued.]

“ crossed was destroyed, and the Emperor narrowly escaped destruction. If the
 “ men in charge of our movement are to accomplish results satisfactory to you
 “ and to themselves, and advantageous to the common cause, they must be allowed
 “ to do so without the stupid clamour of men who have been boasting of action
 “ and demanding action all their lives, but who never acted either to their country’s
 “ advantage or to their enemy’s injury.”

I think your Lordship will recollect someone said of O’Donovan Rossa that he had not the courage to set fire to a haystack, and the description given by Mr. Davitt of O’Donovan Rossa is somewhat borne out by this description of some unknown person which I have read. A little more towards the end of the page the Attorney-General asks :—

“ (Q.) What was the special fund ?—(A.) For carrying on the dynamite
 “ campaign.”

One other matter referred to is important. You will find it at page 2574. Here again you will find O’Donovan Rossa not by name, but in fact, referred to :—

“ We are in receipt of several communications from the Camps, some of them
 “ being accompanied with resolutions requesting the Executive Body to take full
 “ control of the National Fund, originally called the Skirmishing Fund.”

Your Lordship will recollect the previous convention, the funds of that body had been audited by this larger body :—

“ In answer, we direct attention to the proceedings of the last convention.
 “ That body—the power which created us—by an overwhelming vote decided
 “ that it would have nothing to do with controlling the fund in question. We
 “ will be governed by that decision. Since the convention a discussion has been
 “ carried on through the public press concerning this fund. If we were now to
 “ take the fund, the organisation would become an object of attack, newspaper
 “ criticism, and public investigation.”

Again, the motive is not to be mistaken, and no other than not taking over this fund formed specially for destruction.

“ We would not care to take the responsibility of putting the organisation in
 “ that position, even if the remainder of the fund were offered to us. If the
 “ policy of the United Brotherhood in relation to that matter is to be changed,
 “ the change must be made by your convention. Many of the communications
 “ upon this subject also request us to suppress the unseemly newspaper dis-
 “ cussions concerning this fund, and to prevent papers holding our views from
 “ descending to personal quarrels——”

You see this is Patrick Ford—

“ in place of remaining on the higher ground of principle. We respectfully
 “ inform the writers of such letters that the Executive Central control no news-
 “ paper, support none, and have no newspaper organs.”

My Lord, only one sentence more on the next page, forming the concluding six or seven lines of this circular :—

“ We beseech you to spare no effort to strengthen the organisation, and to
 “ enlarge its special fund. That you have acted generously in the past, that you
 “ have made sacrifices, if to serve one’s country can be called a sacrifice, we well
 “ know ; but remember that while as a rule you are called upon merely to deprive
 “ yourselves of some pleasure or luxury, there are those of us who carry their
 “ lives in their hands, and whose labours, if at any moment discovered, would
 “ lead to their destruction. The only promise we can make, the only information
 “ we can give, is that we and those with whom we are associated are trying, with
 “ God’s aid, faithfully to discharge our duties, and that we believe the movements
 “ we are now conducting will result beneficially, and will meet with your fullest
 “ approbation.”

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SIR HENRY JAMES.

[Continued.]

My Lords, there are those who have said, and they have the right to say so, perhaps that at one time they did not know that the Clan-na-Gael was an association for assassination and destruction. They must know it now; they ought to have known it before. Alexander Sullivan wrote that circular, and he says:—

“Some of us carry our lives in our hands, and your labour, if at any moment discovered, would lead to their destruction.”

And so, my Lords, we have now this circular issued on a date in October showing what was the action of the Clan-na-Gael.

(*The President.*) I think you attributed that to Alexander Sullivan?

(*Sir H. James.*) Yes, because we are told that X. is the president, Y. the secretary, and Z. the treasurer. If your Lordship wishes the reference to that statement, I will get it. There is the statement that X. represented the president, and this is signed X.

(*The President.*) I forget, you know, what the cipher is—F.C.

(*Sir H. James.*) It is executive body, my Lord.

Now, we know what the Clan-da-Gael is pretty clearly; we come now to the next event, that is the arrival of a new actor in these proceedings in America, and that is Mr. Patrick Egan. At page 2576 you will find that Mr. Patrick Egan arrived in America on the 3rd March 1883. My Lords, I will just give you the reference proving that Alexander Sullivan was then president of the Clan-na-Gael. It is Question 44,223, which I just gave to your Lordship.

My Lord, to the residence of the man who has signed the circular, I have just read to you Mr. Egan went and stayed with him. That your Lordship will find at the same page last mentioned, page 2576, question 44,220. Still following the action and policy of the Clan-na Gael, I refer to a second circular of March, 1883, the next we have. It is not one of Alexander Sullivan's, it is signed by the Revolutionary Directory and the Executive Body. Sullivan so far would be a member of the Revolutionary Body, but it is signed in a collective form by the Revolutionary Directory and Executive Body. I need read only three paragraphs. At page 2577, paragraph 1, is:—

“It shall be the duty of the S. G.'s” [that is no cipher, my Lord, senior guardians], “to diligently inquire, without informing the parties or anyone else, the names and addresses of the men best fitted for private work of a confidential and dangerous character, and report the same in a list made out or furnished for that purpose to ‘Y.’ and this list shall be made out at such stated periods as they may be demanded.”

Then, my Lords, for this work it is said at paragraph 5:—

“It is desirable that every opportunity available in the way of holidays, picnics, festivals, balls, lectures, &c., be utilised for the purpose of raising all the funds attainable.”

And then at paragraph 13:—

“When possible and practical and the same can be done without interfering with the work of the organisation, it is urged that that the open organisation”

Then “National League” is in brackets—

“be aided as far as possible.”

Then paragraph 15 is:—

“All communications must be carefully destroyed, or returned to ‘Y.’ if so directed, after being read at successive meetings as often as directed.”

(*Mr. Justice A. L. Smith.*) Y means?

(*Sir H. James.*) Y means secretary, my Lord. The proof of the meaning of Y, X, and Z will be found at page 2457, it is there so stated.

May I note to your Lordships in passing current events, that it is in March 1883 that the explosion at the Local Government Board took place. That is mentioned at page 2817, and on April 3rd, 1883, Gallagher was arrested, that is Dr. Gallagher, as

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your Lordships are aware, who was tried and convicted, he and others. There was no explosion in that case, it was the case where some men were found at Birmingham with large quantities of liquid material for explosion. They were tried, if I recollect rightly, before the Lord Chief Justice and Mr. Justice Brett—tried for high treason. I do not know that we have given any technical evidence of the exact date of all these dynamite attacks. I do not know whether your Lordships will take that as a matter of history, and allow the Annual Register to be used with regard to them, but these two dates are proved; the first I have given you at page 2817, and Gallagher's arrest on April 3rd, 1883, at page 2517. I shall probably have to refer to the matter again, but I should now, as I have mentioned Gallagher's name, say that at page 2659 we have direct proof that Gallagher's attempt and Lomasney's attempt to blow up London Bridge were discussed by the Clan-na-Gael, and that the plots were "devised" is the term, and that the witness was present in the Convention of the Clan-na-Gael, and that witness, who has been so much abused, immediately gave information.

Le Caron, at page 2660, is asked:—

"(Q.) Then you were assenting to it?—(A.) In convention. (Q.) And gave information at once, did you?—(A.) Immediately; as soon as the first opportunity presented itself. (Q.) Did you know, and do you suggest you knew, Gallagher was the agent in the one case, and Mackay Lomasney in the other?—(A.) I have written many times respecting those men. (Q.) Pray attend to what I am asking you. Do you suggest that you knew at the time that each of these individuals were selected?—(A.) Before they were selected? (Q.) Yes? —(A.) I would not like to take the credit of having given the first information about them."

My Lords, I would refer you now to pages 2816 and 2817. The first is a conversation which I will only refer to, and need not read it in detail. It is a conversation with the trustee of the Skirmishing Fund, and I do not dwell upon it, but this I do wish to refer to at page 2817:—

"A dispatch from Chicago says: 'The Hon. John Finerty, Congressman elect from the Third Illinois District, was interviewed to-day in regard to the attempt to blow up the Government building in London.' He said, 'I am sorry it was not more successful. I applaud the Irish in everything they do to get rid of England and her accursed rule. England brought this on herself, and Gladstone, more than anyone else, has himself to thank for it.'"

That is the Mr. Finerty to whom we have referred, and to whom we shall have to refer again. Your Lordships will recollect that this which I have read was published in the newspaper, it was published in an Irish newspaper the "Nation." On the 30th June 1883 we have this published in "United Ireland," the organ of the party, a statement that they had received a long letter from Finerty in Congress. It proceeds:

"We do not suppose that there is a Nationalist from top to bottom of this island who thinks Mr. Finerty otherwise than as an Irishman brave and daring almost to a fault, and if anything could retain that union, it would be that the 'Irish Times' would maintain the contrary."

Then I call your Lordships attention to this. He says:—

"Mr. Alexander Sullivan."

(whose Clan-na-Gael circular has been read to you).

"The new President of the Irish National League in America is delivering a remarkable series of speeches and sentiments of the organisation."

And so we have here Mr. O'Brien's paper and Mr. Parnell's paper speaking thus of the man Finerty.

"Yields to regret that the attempt on the Local Government Board had not been more successful."

And here we have the praise of Mr. Alexander Sullivan who had put his hand to this circular urging that assassination should be carried into effect.

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My Lords, I will take it very shortly if you will allow me, but we have again a letter of the 11th October, 1884, in this paper "United Ireland," showing their view of the man who deserved praise. There is this article. "United Ireland" says:—

"The visit of a dozen Irish Americans of the stamp of Alexander Sullivan, P. A. Collins, John Finerty, and John Boyle O'Reilly; even John Devoy would probably pass the Queenstown detectives unchallenged."

Now, my Lords, I proceed to deal immediately with the Philadelphia Convention. That Convention was held on the 25th April 1883. It was intended that Mr. Parnell should attend that Convention, but there is a communication from Mr. Parnell explaining that he could not attend. The question of his attending was considered and resolved upon by a meeting of the Irish members at page 4157, but Mr. Parnell afterwards states that in consequence of an important measure called the Criminal Code Bill being before a Grand Committee it was necessary that he should attend it, and I have no reason at all to doubt that statement, or that Mr. Parnell's active efforts at that time detained him in conjunction with others, who succeeded in stopping the progress of that Bill. You will note in relation to this meeting in Philadelphia on the date which is called the 25th April we have several meetings to deal with, there are three meetings of which you will find record, on April 25th the League, I think we must call it by the old name of the Land League, the Land League section which of course is the section which had met in Washington in April 1882, holds its meeting. We have then on the same date a Clan-na-Gael caucus meeting, and on the 26th we have the open meeting of all bodies who were thus meeting at Philadelphia. Will you note, as we proceed to consider these meetings, that the real business of the meetings was seldom done in open meeting, the business was arranged in private, and perhaps that mode of action was not peculiar to these Irish Americans, but whilst I have references I could make to establish that, I will take what Mr. Davitt himself read in his speech at page 6355. He reads it with approval. He is reading an article which appeared in a newspaper, and he reads it as I understand him to place before your Lordships his view, and thus the writer expresses himself:—

"Conventions rarely, if ever, express the real sentiments of the people, for almost of necessity the manipulation of large bodies of men falls into the hands of a few who, clever in their peculiar ways of organising and controlling; are not infrequently more bent on having things run smoothly than in getting at the true voice of the constituencies, and the true voice of the Irish people to-day is, we believe, that any and every means are legitimate against the horrible system that England has instituted to enslave the masses over which she holds sway."

My Lords, I do not like to say that Mr. Davitt uses exactly these latter words as representing his view; I do not think he read the article with that intention for a moment, but I think the former part which I have read, as to the Convention seldom expressing the sentiments of the people, would be the case. I must refer to the document I have already referred to, namely, what appeared in the "Nation" of April 21st, at pages 4157 and 4158. I referred to it a moment ago to show that the Irish Members discussed Mr. Parnell's presence in America. There is one passage that I ought to have read at page 4158, it is the statement only of a correspondent, but still it appears in the "Nation" newspaper:—

"The proceedings of the Convention are being looked forward to with great interest by every one here. It is said that the plain issue to be determined there is, whether or not the use of physical force of all kind—dynamite included—may not properly be employed by the Irish people in their struggle for the liberation of their country from British rule."

My Lords, that appeared in public print as an open statement that it was about to be considered, and I am putting that statement for what it is worth, as one of the singular corroborations of Le Caron when he comes to tell you what was discussed at these meetings.

Before coming to the incidents of the Philadelphia Convention, I must now show to your Lordships what steps the Clan-na-Gael took in order to obtain possession of the power over this body that was about to meet. You will find the

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document I wish to refer to at page 2578. It is a circular from the headquarters of the Clan-na-Gael, it is signed by X, as I read it, and Y, President Alexander Sullivan; Z, the secretary. The date is one early in 1883 but prior to the meeting of the 26th, the beginning of April, or before April is the date":—

"Headquarters of the Clan-na-Gael.

"To the officers and members of the V.C.

"Brothers: We urge upon your immediate attention the necessity of securing
"as full an attendance as possible at the Convention at Philadelphia, in pursuance
"of the following call."

The call is set out afterwards, and I can either read it where it occurs, or read it now. You will find, my Lords, that the call is signed by Patrick Egan representing the Irish section, James Mooney representing the Land League section of what I have called the Washington Convention or meeting, who is a Clan-na-Gael man, and Michael Byrne who is a Clan-na-Gael man. May I give your Lordships a note of where the call is to be found, in what we call a report in Mr. Davitt's book of this Philadelphia Convention at page 24. I have it here, and it is of course confirmatory as far as it goes against Le Caron. It is signed Patrick Egan of the National League of Ireland, James Mooney, President of the Irish American Land League, and Michael Byrne, chairman of the committee of seven. It sets out who they are, and then this is signed by these three persons. It states the objects, of course the language is long and the subject is this:—

"In the city where Irishmen helped to lay the foundations of American
"liberty"—

That is Philadelphia—

"in perpetuation of which the blood of their sons has been freely poured to declare
"on behalf of the exiled members of our race that we will never cease our efforts to
"recover for our mother land, the God-given and inalienable right of national inde-
"pendence, and that these efforts may be guided under the blessings of Heaven
"by the best counsels of all our people, and be made powerful by their combined
"strength to blend into one organisation all the Irish societies of the United
"States and Canada, the new organisation to be affiliated with Irish National
"League of Ireland, of which Charles Stewart Parnell is the President."

My Lords, I am working up to the creation of one body; that is the call signed by Patrick Egan on behalf of the National League of Ireland, by Mooney representing the American League, and by Boland representing the seven of the executive committee appointed at Chicago in the November 30th Convention. Two of them have been already established to your Lordships—stated and proved Clan-na-Gael men, and in a very short time you will see that Patrick Egan became a most active member of the Clan-na-Gael.

My Lord's, I was reading to you, when I digressed to give you the call, this circular from Alexander Sullivan, and the Secretary, asking the brothers to attend the Convention of Philadelphia in pursuance of the following call:—

"The Convention presents the first grand opportunity to secure the union of
"all the elements of our race on this Continent. Shall the union so formed be
"upon a rational basis? Shall it, by its character, its deliberations, and its
"results, reflect credit upon our cause, and advance the interests of that cause.
"The answers to these questions depends upon your wisdom, your energy, your
"discipline. We advise that you secure the co-operation of all societies to which
"you belong. Thus we will have representation without expense. We have no
"powers to authorise the payments of expenses to delegates to the Convention out
"of the —"

That is in cipher, my Lords, it is "Out of the Revolutionary Fund."

"But we have no objection to any D. sending a delegate or delegates at the
"expense of the Contingent Fund. In many cases there are reputable loyal
"members of the V. C., who would be glad to go and pay their own expenses;
"all that class of brothers should be of course furnished with credentials, all

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“ brothers in attendance will report to brothers James E. McDermott, S.G. 404
 “ at 1128 South 9th Street, Philadelphia, immediately upon arrival, and all who
 “ attend the Convention as delegates are hereby directed to attend the V. C.
 “ Conferences, and be governed by the decisions of conferences as to their action
 “ in the Convention.”

Now, your Lordship sees how true it was which Mr. Davitt wrote, that it was the secret meeting, the caucus meeting to control the Convention, and all that was wanted now was that the Clan-na-Gael should obtain sufficient force of representation to control the Convention, and then arranging in the secret caucus of the Clan-na-Gael what they should do in the Convention, carry out the views of the Clan-na-Gael by force of the combined action which did not exist in relation to any other body; and by these means obtain by prompt and combined action the full control of the National organisation in America. That, my Lords, I will show you was done.

I will now take up, if you please, the record of the meetings. They would be open meetings so far, which is shown by the record in Mr. Davitt's book. Of course this represented what occurred in public. These documents are bound together. I am referring now of course to the meeting at Philadelphia, on April 25th, 1883. It occurs towards the middle of the book. It is page 2. First, we have the meeting of the Irish National League section, presided over, as this account says, by James Mooney, who you will recollect was elected at Washington, and was a Clan-na-Gael man. The statement of the President was first made. In the list of delegates you will find, amongst others, Finerty is present. Then, so far as I am concerned, I would proceed to page 9, to refer to the report of the secretary, J. J. Hynes, of Buffalo. There he reports:—

“ I issued a circular of date May 5th, 1882, and mailed a copy to every
 “ branch-secretary, whose address was on the National roll. In this expectation
 “ we were disappointed.”

Will your Lordship notice this:—

“ as but about one third of branches then on the roll replied to the
 “ circular.”

This is the more conservative section of men; this was supposed to be the National League:—

“ In my quarterly reports of July and October, and circular of date September 26th, I again called attention to the fact that a large number of branch
 “ secretaries were derelict in reporting to the central office I was
 “ at last successful in receiving official reports from 610 branches.”

“ During the year official notice has been received of the disbandment of
 “ 135 branches, *many of them having disbanded subsequent to the Chicago Convention*
 “ *and prior to the Washington Convention.* During the year '83 new branches
 “ have reported to the central office, and the names of such branches are now on
 “ the National roll. On the roll prepared and forwarded to me by my
 “ predecessor there were about 900 branches, of this number 292 have for some
 “ unexplained reason failed to report to the central officers. The officers of
 “ these branches did not even afford the courtesy of acknowledgment of receipt
 “ of the communications sent them.”

“ There are now on the roll of the National Organisation 562 branches of
 “ whose existence I have official knowledge, and 292 branches of whose existence
 “ I have been unable to ascertain.”

I only read that in order to have foundation for the suggestion that I make, that the more conservative section was in a state of comparative disorganization. It was becoming a weaker body than it had been, and the real power did not rest with them, but the power really was in the hands of the active or Clan-na-Gael section. Then, in the same report, we see what they did and how they delegated their power. It is at page 15. Mr. John Byrne of Cincinnati, moved:—

“ That a committee, consisting of one from each state and territory, be
 “ appointed to take into consideration the most feasible plan for merging the
 “ Land League organisation with the New National League, which was to be

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“ formed at the Convention which meets to-morrow, and that such committee
 “ report before the adjournment of this Convention.”

That motion was carried. Your Lordship will see now, how far we have got. There was to be a committee consisting of one from each State to take into consideration the advisability of merging the Land League with the National organisation. Then at page 16, we have that committee. Le Caron was not asked as to all of them. We did not, perhaps, quite realise the importance of this committee at the time, but as to many he did give evidence incidentally that they were Clan-na-Gael men. The list of committeemen consists of about 31 or 32 in number. The evidence that was given only by the way establishes that a great many of them, J. F. Armstrong, Rev. M. F. Dorney, M. V. Gannon, Timothy Maroney, Dr. Charles O'Reilly, C. M. M'Carthy, Dr. Thomas O'Reilly, Rev. T. J. Conaly, D. C. Feely, John Fitzgerald, Joseph G. Donnelly, were all Clan-na-Gael men, but the constitution of that committee is not so very important, because we have a subsequent committee which deals with this matter.

We next have the proceedings of this Convention shown by an action which was taken by a Mr. O'Brien, who was an opponent to the Clan-na-Gael. Will you forgive me. When I said the committee was to be appointed, we have it also in this report that :—

“ The committee appointed at the morning session recommended in the
 “ evening that ‘ The delegates to this Convention attend in a body the sessions of
 “ ‘ the said Irish American National Convention, and assist in perfecting the
 “ ‘ Union.’ ”

That was the report of the committee, and that was adopted, and so we have to look forward to the whole of the Land League Convention appearing at the National Organisation Convention; and if this is followed out, as your Lordship will see it was, making a union with that body. Then the next incident we have at this open meeting is that—

“ Miles M. O'Brien proposed, that the platform of the Irish National League
 “ of Ireland be adopted as the platform of this organisation be adopted, and that
 “ the regular officers of this organisation be elected for the ensuing year by this
 “ Convention to-night, and that the organisation here reconstructed enter
 “ to-morrow's Convention, and act with the organisations there represented, with
 “ one common purpose.”

Your Lordship sees that would have preserved the autonomy of this League or old body. That was moved by an opponent of the Clan-na-Gael, but Mr. Andrew F. Brown, who is a Clan-na-Gael man, offered the following resolution as a substitute. (We may translate that into English procedure, I think, by “ an amendment,”) and moved its adoption :—

“ Resolved, that when this Convention adjourns it be to meet with the
 “ Convention to-morrow, and that the chairman—

(that is the Clan-na-Gael man, Mooney)

“ appoint a committee of seven with power to declare the Land League adjourned
 “ *sine die*, provided the Convention to-morrow complies with the reports sub-
 “ mitted and adopted here this evening, by the committee appointed to submit
 “ a plan of re-organisation.”

My Lord, there was a considerable debate and the previous question was moved, but Mr. Alexander Sullivan, the president of the Clan-na-Gael, who you will see in all these proceedings is able to control conflicting views, moves to lay the motion of Mr. O'Brien, (that is for separate life), on the table and Sullivan's motion was then adopted. Then further debate followed and the question then was, whether the amendment should be carried. Then we have in this book of Mr. Davitt's that on the division the amendment of Brown which means of course union with the main body, is carried by 185 votes to 159. Then treating it as a substantive motion it was carried unanimously. And so here was a giving up of separate life dependent upon being able to concur with the body which was to meet on the morrow. Here is a giving up

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of the separate life of the National League, with the intention of merging in the body that was, as I said to your Lordship, a more general body and a broader body. Then you will recollect that the motion gave the President a power of appointing a committee of seven, and we find a record that he did appoint the committee of seven. That occurs in this book at pages 19 to 21, and the president appoints as a committee, Andrew Brown, who is a Clan-na-Gael man; P. A. Collins, who is not; Rev. P. Cronin, of whom I have no evidence; M. V. Gannon, a Clan-na-Gael man; Rev. Charles O'Reilly, who you will find is nominated hereafter by Sullivan for different offices; J. F. Armstrong, Clan-na-Gael man; and Rev. M. J. Dorney, a Clan-na-Gael man. So out of this committee of seven with the chairman of the meeting, a Clan-na-Gael man, you have then a complete majority of Clan-na-Gael men on the committee of, what has been termed, the Land League body, but here to them virtually and substantially is delegated the power of the action, that is to be taken in respect to the merger in the more general body.

Still, following out these proceedings, we have now on the 26th of April, the meeting of the general body. All this is found in this book of Mr. Davitt's. It was "called to order" as the term is in America by Alexander Sullivan, the president of the Clan-na-Gael. He makes a speech of which I do not know that I need read much. He speaks of the diversity of honest opinion concerning the methods which may be employed to carry out their objects. He says:—

"We have met neither, on the one hand, to dictate to our brethren in Ireland
" in anything, nor, on the other hand, to apologise to their and our common
" enemy for anything."

Will your Lordships recollect that this is shortly after the evidence that has been given in respect to the Phoenix Park murders. As I show to your Lordship there was the indictment amongst this body, framing it as if it were an indictment in their own language of high-treason, because Mr. Collins, the conservative member of this body, if I may so term him, wished that a reward should be offered for the discovery of those assassins; and this is the language that is really applied to that condition of things:—

"We have met neither, on the one hand, to dictate to our brethren in Ireland
" in anything, nor, on the other hand, to apologise to their and our common
" enemy for anything. We have met to organise and concentrate all the forces
" of our race, that their united strength shall be made potential in our national
" struggle. We have met to solidify all the elements of our national sympathy,
" that hereafter there shall be an authorised body to speak, not for a party, not
" for a man, but for united exiled Ireland."

Mr. Sullivan having made this speech, Mr. Betts, whom, your Lordship will recollect, we left as chairman of this body when it met at Chicago on November 30th, reads the call. It is the call that I read from Le Caron's statement signed by Egan, Mooney, and Michael Boland. Then, that call being read, the meeting proceeds to its business. The report which Mr. Davitt has placed in our hands, page 25, says that Mr. Mooney, who was the Clan-na-Gael member and chairman of the League, nominates the Rev. Maurice Dorney as temporary chairman. That is another Clan-na-Gael man. That nomination was seconded by Colonel Michael Boland (Clan-na-Gael man), and supported by the Rev. Dr. Betts (also a Clan-na-Gael man). We have this speech made by Dr. Betts:—

"After being nominated by the Presideent of the Irish-American Land League
" and supported by Col. M. Boland, of Louisville, of the committee of seven'
" appointed at the last convention, it would be hardly necessary that anything
" further should be said."

He proceeds to make a speech showing who Colonel Boland was acting for. Then we have other officers moved. They were temporary officers, and I do not know that I need trouble you with them. We have at page 29 the statement that they had examined the credentials of 650 delegates, of whom there had been 468 present at the Land League Convention. I do not know whether they were the same persons.

The next thing I have to call your attention to, is that a step was taken to give very arbitrary power. It was moved that:—

"All resolutions shall be handed unread to the secretary and referred to the
" committee on resolutions when it shall have been appointed. No debate shall

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“ be in order on any subject not included in the call for this Convention. Only
 “ delegates shall be allowed upon the floor of the Convention except by vote
 “ of the Convention.”

Now, my Lord, the next thing that was done was to read Mr. Parnell's communication. There is one sentence I should wish to call your attention to. He says he must remain in England to oppose the Criminal Code Bill. Then he proceeds (p. 2583):—

“ I would respectfully advise that your platform be so framed as to enable us
 “ to continue to accept help from America, and at the same time avoid offering
 “ a pretext to the British Government for entirely suppressing the national move-
 “ ment in Ireland.

My Lord, Mr. Parnell must have had before him the lessons and experience of framing the Land League policy of 1879. That had to be framed so as to bring timid reformers on the one hand, and extreme men on the other, within the movement. Here come substantially the same advice, that what is termed the platform, that is open statement, shall be so framed that Mr. Parnell shall be enabled to accept it, and also that the English Government shall not be obliged to suppress it. At page 39 we have also the committee on resolutions appointed; and here again you get a majority of Clan-na-Gael men. Your Lordship will find the names given at page 39, and of those names, Walsh, Alexander Sullivan, John Fitzgerald, and Donnelly were all Clan-na-Gael men. As to E. O'M. Condon of course we all know who he was. The committee on plan of organisation, which was a more important committee, was then appointed. James Reynolds (Clan-na-Gael); Col. M. Kirwin (Clan-na-Gael); J. F. Armstrong (Clan-na-Gael); Col. M. Boland (Clan-na-Gael); Timothy Maroney (Clan-na-Gael); C. M. McCarthy (Clan-na-Gael); and Powderly (Clan-na-Gael). Those are not all the committee, your Lordship will understand. Those are the important names on the committee, and as I have said we have no proof throughout the list of the views of the whole of the committees, but on that committee of organisation we have that large number.

Then there was a report which was submitted at page 45. It says this:—

“ As if the sword, the cannon, the torch, the scaffold, the dagger, and the
 “ explosive were not enough, it enjoys the unique infamy ”

(that is the English Government)

“ of being the only Government known to ancient or modern times which has
 “ employed famine for the destruction of those from whom it claimed allegiance
 “ There is no species of destructive attack, however insidious or
 “ violent, ancient or modern, rude or scientific, whether directed against life or
 “ matter, in any portion of the globe, for which its barbarities in Ireland have
 “ not furnished the example. There is no form of retaliation to which despair
 “ or madness may resort for which English cruelty in Ireland is not exclusively
 “ responsible.”

Those of course were words of encouragement only, but they were words which must have fallen sweetly upon the ears of the extreme section of the Nationalists, and the man who uttered those words must have been speaking in exactly the same spirit in which the circulars of the Clan-na-Gael had been written. They were strange words to suppose a man could have uttered, yet here they are.

Then we have a resolution:—

“ That we pledge our unqualified and constant support, moral and material,
 “ to our countrymen in Ireland in their efforts to recover National self-govern-
 “ ment; and in order the more effectually to promote this object by the consoli-
 “ dation of all our resources, and the creation of one responsible and authoritative
 “ body to speak for Greater Ireland in America, that all the societies represented
 “ in this Convention, and all that may hereafter comply with the conditions of
 “ admission be organised into the Irish National League of America, for the
 “ purpose of supporting the Irish National League of Ireland, of which Charles
 “ Stewart Parnell is president.”

So, here again, following out now the resolution of the Land League meeting of the 25th, on the 26th we get the general body stating the same object as being an object

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upon which they had resolved. Then we proceed. There is a discussion as to how these motions are to be dealt with. One person, Mr. Chadwick, moved that the resolutions be taken up *seriatim* and acted upon. Mr. Andrew F. Brown moved, as a substitute, that the report of the committee on resolutions be received, and the resolutions adopted as a whole. Of course that would have settled the matter very easily. So whilst Mr. Finerty (whom I will deal with) seems to have taken an independent part, one Clan-na-Gael man opposing another, while he moved that Mr. Brown's amendment be laid upon the table to get rid of it, the substitute of Brown was adopted, as the report says at page 49, by an overwhelming majority. Now, my Lord, we proceed. We get a report from the committee on the plan of organisation. That report, which your Lordship will see will now have to be accepted as a whole or not, is that—

“ The governing body of the League shall consist of the president, vice-president, and National committee, which shall be composed of one member from each State, territory, the district of Columbia, and the Dominion of Canada, and which shall be elected by the National Convention, and shall meet at least once annually.”

This is a rule that there is to be a convention to meet once annually. You will find when Egan becomes president of this body the constitution is broken through, and there are no meetings annually. Then—

“ Section 9. The National Committee shall appoint of its number an executive council of seven, to be centrally located for the more effective administration of the affairs of the League, of which council the president shall be *ex-officio* chairman. They shall make such rules, regulations, and byelaws as they shall deem best for the management and control of the finances of the League, and their general correspondence, and shall provide for the establishing of branch leagues, and the reception of societies desiring to affiliate with the League.”

That gives directions as to their business.

“ Section 11. All American-Irish and Irish-American societies, military, benevolent, social, literary, patriotic, and charitable, may be enrolled as subordinate branches or affiliating societies of the National League.”

Now, proceeding, we find how this committee of seven or executive committee is to be formed, with the chairman as *ex-officio* chairman. Then Colonel Boland, who is a Clan-na-Gael man, moves the adoption of the report. On a division the same was adopted by an unanimous vote. So we have that report adopted to which I would respectfully ask your Lordships' reference in full. Then we come to see who are to be the officers. Alexander Sullivan nominates the Dr. Charles O'Reilly, whom I called your Lordships' attention to just now as being on the committee, as the treasurer. It was unanimously adopted. Mr. Conaty, a clergyman, now nominates John Byrne, of Cincinnati, for president. I believe he is not a Clan-na-Gael man. That being done, Colonel Boland, who is a Clan-na-Gael man, that body not intending the power to pass out of their hands, immediately moves that Alexander Sullivan become president of this body. That is seconded by Mr. Andrew F. Brown, whom we have heard of—a Clan-na-Gael man. But Mr. Sullivan is desirous, as he says, to decline being a candidate.

“ The Convention refused to accept the declination. After the call of the roll had been completed, and each delegation had recorded its vote, which plainly indicated that Mr. Sullivan had received almost the unanimous vote of the convention, Major John Byrne, the opposing candidate, arose, and in an eloquent speech moved that the election of Alexander Sullivan be made unanimous.”

It was seconded by Rev. T. J. Conaty, who had opposed the opposing candidate, and the motion was unanimously adopted. Then there is an election of vice-president. Now, my Lords, we are proceeding by steps:—

“ John J. Hynes was unanimously elected National secretary.”

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[Continued.]

I am afraid, my Lords, there is a little confusion as to Hynes, there are two Hynes, J. J. Hynes and J. W. Hynes. I think¹ you will find this Hynes is a Clan-na-Gael. I myself have a difficulty in recollecting which it is. I am told now it is not so, so will you now take it this is the party with respect to whom it is not so.

“ Rev. P. Cronin, of Buffalo, New York, by authority of the Conference Committee of seven, of which he was a member, appointed at the Land League Convention Wednesday, April 25th last, reported that it was the Committee’s decision, in view of the unity and harmony of the New National, that the Land League would cease to exist as a separate organisation. It was not dead or dissolved, but endowed with a more vigorous life in the New National League which we have this day established.”

Well, my Lords, my point now is nearly made. Only the Council of the governing body has to be appointed. These are the body, stated at page 54 as to the composition of which we do not give direct evidence, but many of them will be found to belong to the Clan-na-Gael. I would reduce the governing body to small dimensions in a few minutes.

Then the council or governing body appointed Judge M’Cooney, who was Clan-na-Gael; James Reynolds, Clan-na-Gael; J. F. Armstrong, M. V. Sannon, Rev. P. A. McKenna, C. M. M’Carthy, Dr. O’Reilly, W. J. Gleasan, and J. G. Donnelly were members—all Clan-na-Gael. Then a gentleman of whom we have heard in relation to speeches in Ireland, Mr. Redpath, makes a speech and introduces a lady to the Convention, “ who then called Mr. Sullivan to the front of the stage, and in elegant language said she trusted Mr. Sullivan would give the new League the strength of his services. Mr. Patrick Egan added his request to that of the lady. Mr. Redpath and Mr. Thomas Brennan also implored Mr. Sullivan to accept the nomination.”

My Lords, strong language has been used in “ Parnellism and Crime ” when it is said that a foul brood had gathered somewhere in America. Here those persons, whose departure from Ireland I have traced, are gathered together. Here we have Mr. Patrick Egan and Thomas Brennan standing side by side with Alexander Sullivan, the man who penned that Clan-na-Gael assassination circular. Mr. Sullivan it is reported came to the front of the stage as Mr. Brennan sat down, and said :—

“ When I stated that I could not accept, I did it with sincerity. I believed then as I do now that a better selection could have been made, but I recognise that the voice of the people is the voice of God, and therefore I accept the position for a time until the machinery of the League is fairly in motion. I accept not as a leader but as a servant of the people, and I ask for your aid and earnest co-operation in furthering the cause.”

And then the Convention adjourned.

Now, my Lords, one step only has to be added. The council have to be elected—the executive body of the seven who were to be appointed by resolution—the Rev. P. A. McKenna, of Massachussetts, of whom there is no evidence; Dr. Wallace, of New York, there is no evidence; James Reynolds, Clan-na-Gael; Gannon, Clan-na-Gael; Donnelly, Clan-na-Gael; Armstrong, Glan-na-Gael; James G. Fair, of Nevada. The chairman, you know who he is Alexander Sullivan. You will see, when this committee meets, he adopts it. Still the proportion of this body is five to eight—three out of eight, and to make their position safe a motion is then carried that this council of seven are elected, have power to fill all vacancies occurring at the board of officers, and now hand and foot captured is this League of America, of which Mr. Davitt told you so much. It has gone. It has merged into this body that has delegated its powers after action to this committee, which is a Clan-na-Gael Committee—with Alexander Sullivan at its head—a committee that would be earnest and desirous to carry out the objects of their body, and for the purpose of carrying all their objects for which they had taken so much trouble, to control this organisation. And, my Lords, from this date—the date of the Philadelphia Convention of April 26th, 1883—the National organisation of America, from which especially in latter time supplies have been derived, and money received by individual members of Parliament—the Irish members—that body has been a Clan-na-Gael body in policy, and as step by step we proceed you will see how that Clan-na-Gael power was being strengthened by an addition of active men, and that whether the whole of

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this body knew it or not, that their energies and all their action have been turned in one direction alone, and that has been to support the policy of the Clan-na-Gael.

My Lords, I should not wish to be misunderstood. There has been a time we are coming to when the word went forth that it was necessary to suppress action of a dynamite character. As I have shown to you in Ireland, and as I will again refer to it in a few words, there was a time when it was necessary for the purpose of policy, that the dynamite action should not be active, should not be marked and conspicuous, As it was in Ireland so it was in America. But, my Lords, I have fulfilled the promise I made to you, that I would bring the bodies that were existing in America—I would bring them into one confederation and one combination—and the spirit and the men that controlled that one combination was nothing but Clan-na-Gael men, and also represented Clan-na-Gael men.

We have now to turn over a page in this history. It is impossible for me to keep two pages open and read from them at the same time; but I thought it better to deal in the first instance with what we knew of public action, that is, the information we had derived from open publication. But there is one other matter that I have to deal with, and that was the secret action of the Clan-na-Gael and their records of their triumphal success in reference to the League. And of course, my Lord, such documents would not meet the public eye; they could not be published. We have now, as I say, to turn over a page, and we have to look to the evidence of Le Caron, and I have to show you from his documents how it was the Clan-na-Gael achieved the success which I have shown to you they did achieve.

My Lord, I read to you the circular that was issued by the Clan-na-Gael, and after that circular had been issued, we have many events occurring to which Le Caron referred at page 2579. You will understand that the Clan-na-Gael were of such a character—their body was formed for such objects—they could not appear in their name as belonging to Camp so and so Clan-na-Gael, but they had to take a public name to earmark them, and you will see that they appear under certain names such as the Emmet Club, and that is what Le Caron is speaking of at page 2579, question 44,234:—

“Were you a delegate for both the Land League and for your Camp?—(A.)
 “I was there in a dual capacity. I attended the Convention as a delegate from
 “the Emmet Club, of Braidwood, the public name of the secret revolutionary
 “organisation. (Q.) That is to say, the Braidwood Camp of the Clan-na-Gael?—
 “(A.) Yes. (Q.) The public name was the Emmet Club?—(A.) I was a delegate
 “from the Emmet Club. (Q.) That is the public name of the Camp of the
 “organisation?—(A.) Yes. (Q.) In what other capacity did you attend?—(A.) I
 “was the representative of the Land League. I had two sets of credentials.
 “(Q.) What branch of the Land League?—(A.) The Braidwood Branch, No. 1.
 “(Q.) Did you see Mr. Egan yourself during those meetings?—(A.) I saw him
 “daily, several times a day. (Q.) Did you attend the sessions of the secret con-
 “ventions?—(A.) Yes. (Q.) All of them?—(A.) All of them. (Q.) Were they
 “held before the sessions commenced in the same way as the previous cases?—
 “(A.) Yes. (Q.) At these secret meetings what was done in the open session
 “discussed and settled?—(A.) Every detail was discussed and settled. (Q.) Did
 “Mr. Egan attend the meeting of the secret Convention?—(A.) He did not.”

You will see this man was careful not to overstate anything.

“Why not?—(A.) Because he stated that at that time he thought it unadvis-
 “able to visit them. (Q.) Did he say that to you?—(A.) He did, and he
 “requested me personally to furnish him with every detail that transpired at
 “those caucuses, which I did from session to session. (Q.) You had constant
 “communication with Mr. Egan respecting what was going on, and told him
 “what had been going on in the secret meetings, though he was not present?—
 “(A.) Yes. (Q.) If I can exhaust this part of the matter now I will. Did you have
 “any conversation with Mr. Egan during this time, I mean of importance with
 “reference to either his past action or anything proposed to be done?—(A.) Yes.
 “(Q.) Just tell us what passed between you?—(A.) He said that the programme
 “would be perfectly satisfactory to all Nationalists. (Q.) When you say the

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“ programme, what did he refer to—what had been said by him before?—(A.)
 “ He referred to the unity of action as a means towards the end that should exist
 “ between the two organisations.”

Then, my Lord, there is further conversation with this person—with Egan—but I think that refers to another subject. There is a slight corroboration of all that Le Caron has said at page 2209. I think it is ——. It is taken from the “ United Ireland ”; it is a paragraph at the head of the page. This is speaking of the open Convention:—

“ The remarkable feature of the sittings was the absence of any debate on
 “ anything.”

My Lord, that was remarkable—

“ The business was all prearranged and debate prevented by the rapid action
 “ of the chairman, who was directly chosen from the League. The real credit
 “ for the wise management belongs to the priests, who laid all the plans, and did
 “ the largest part of the business.”

Then, my Lord, Patrick Ford was not present—

“ The ‘ Irish World ’ is silent editorially on dynamite, and the Convention
 “ (Mr. R. T. Reid.) Just previous to that passage. The event of the evening was
 “ the reading of the message from Mr. Parnell, which was received with prolonged
 “ applause. A resolution was adopted declaring the voice and sentiment of the
 “ Convention to be with Mr. Parnell, and directing a response to be sent pledging
 “ the support of Irishmen in America for Mr. Parnell. This ended all doubt
 “ about the outcome of the Convention. It was Mr. Parnell’s Convention in the
 “ fullest sense of the word. A committee to draft the resolutions was appointed.”

I have nothing to say in opposition to the truth of that; it was Mr. Parnell’s Convention; it was a Clan-na-Gael Convention, and Clan-na-Gael men effected all this. I mentioned to you how Mr. Collins had been dealt with. We have, my Lord, at 2583 in Le Caron’s evidence a statement that Thomas Brennan was present at this Secret Convention. My Lord, I should avoid repeating even in way of quotation strong epithets, but Le Caron says the gathering at this Convention, is as we have it stated, in answer to this question:—

“ Do you remember at one of the earliest sessions, at a secret gathering, a
 “ man named Frank Byrne being there?—(A.) Frank Byrne and his wife were
 “ present on that occasion. (Q.) Were they on the platform?—(A.) Yes.”

Then, my Lord, it is the open Convention:—

“ (Q.) Are you speaking now of secret Convention or open Convention—
 “ (A.) The open Convention. (Mr. Justice A. L. Smith.) This one is April. (The
 “ Attorney General.) Yes, this one. (Q.) Was Frank Byrne at any of the
 “ secret meetings or not?—(A.) He was not, Thomas Brennan was. (Q.)
 “ Thomas Brennan was at the meeting of the secret Convention?—(A.) Yes.
 “ (Q.) Frank Byrne was not. Would Thomas Brennan have been there at the
 “ secret Convention unless he had been a member of either the United Brethren
 “ or the Irish Republican Brotherhood?—(A.) No, he was not.”

Then would you kindly pass over page 2584 and see how this Mr. Collins is dealt with in the secret Convention, who were controlling the action of the open:—

“ (Q.) Was the open Convention open to the public?—(A.) Yes, the galleries
 “ were—the floor not—only to delegates. (Q.) People who attended on the floor
 “ of the place were people who had to present their credentials?—(A.) Yes.
 “ (Q.) I have one or two preliminary matters to ask you about; do you remember
 “ a proposition that P. A. Collins should be an officer?—(A.) Yes, he was placed
 “ in nomination.”

This is the Conservative. This was the permanent Convention:—

“ (Q.) For what office?—(A.) The office of temporary presiding officer.
 “ (Q.) Was he elected or was he not elected?—(A.) He was defeated. (Q.) Was

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“ that at the first meeting of the Secret Convention?—(A.) Yes. (Q.) Were any grounds stated for his opposition?—(A.) He was accused of treason to the organisation, denounced in strong terms at that time for having offered a reward when president of the open movement for the arrest of the murderers of Lord Cavendish and Mr. Burke.”

That was done by this gentleman shortly before that.

“(Q.) I do not suppose you know at present whether any reward had been paid by Mr. Collins, do you happen to know one way or the other?—(A.) To my own knowledge, I do not.”

So we are getting to see how these matters were arranged, and how the result I have already shown to you existed was secured. You will recollect the date we have been dealing with was April 26th–27th and May 12th. We have a Clan-na-Gael circular which you will find set out at page 2588. It is sent out by Alexander Sullivan.

(Mr. Davitt.) As Sir Henry James is passing away from this Convention of Philadelphia, I think it important to remind your Lordships that the Mr. John Byrne whom he admits was an enemy of the Clan-na-Gael, was elected Vice-President.

(Sir H. James.) I read that out.

(Mr. Davitt.) No; you stopped there.

(Sir H. James.) I read distinctly that Mr. John Byrne was elected Vice-President—it is my strong memory that I read Mr. Byrne was elected Vice-President. We shall see how he acted in a moment. I will reduce that body in a moment.

I have not used the term that Mr. John Byrne was any enemy of the Clan-na-Gael, but I do know this, that Mr. John Byrne rose, and in an eloquent speech, moved the election of Sullivan who was a Clan-na-Gael; he was not so much an enemy of the Clan-na-Gael but what he could move that the election of Mr. Sullivan should take place.

Now, my Lord, this circular I am reading of May 12th is the record of the Clan-na-Gael, of the part they have taken at this Convention. It is addressed to the members of the Clan-na-Gael. It commences:—

“ We most heartily congratulate you and the cause upon the splendid discipline and the perfect harmony of the organization at the recent public gathering. The United Brotherhood has no desire to displace any good man who was doing good service in the cause but it did desire that no public gathering of our countrymen should assemble which would fail to make known our wrongs and proclaim our rights so forcibly as to command the respect and arrest the attention of the world, and it is desired that the gathering which thus spoke be not marred by lack of dignity or harmony.”

And then it proceeds:—

“ When you consider what a gathering of 1,200 would or might have been even 10 years ago if drawn as the recent was, from all parts of the country, and those men not even acquainted with each other, and when you observe the dignity, the courage, the self control, the ability, and above all the glorious fraternity of that vast body of deliberative men, whether or not we are not more than compensated for the time and means expended even though nothing more were accomplished elsewhere beyond that grand exhibition.”

Then, my Lord, it proceeds:—

“ If you believe this as we think you must, then brothers, by renewed zeal in behalf of the ruling and directing organisation which does its work patiently, silently, unostentatiously, by determining to redouble your efforts for its careful safe extension, but the future make ever brighter record than the past.

“ We urge immediate action on the part of all our members to secure universal assent to the action of the Philadelphia Convention at the earliest date possible. Get every society to which you belong affiliate with the new public organisation. Each court under its public name should also join the new public organisation.

“ The fees \$1 per year for each member might be raised by subscription, or by lectures, picnics, or in some manner that will not impose too many burdens

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“ on our members. The names of the senior guardians, and the junior guardians should not be sent to the public organisation. Any two brothers, not officers of the camp, can be designated as president and secretary; and those brothers can conduct any correspondence that may be necessary with the officers of the public organisation.

“ The names of our real camp officials must not be sent. We repeat that it is of the highest importance to the cause that all societies in the country be wheeled into line under the new public organisation, and that new Leagues be organised wherever necessary or possible. We are moved, however, beyond that view of the case. We are now doing, we can do, and we will do, much more than was hitherto possible. We will prove in practice, our most unwavering faith in the things to be accomplished—the things dearest to our hearts—if we are not hampered in the execution, in which case we will not be to blame. It is vital to success that they who have the authority to act should be sustained with all the force possible, unless proved to be acting wrong.”

Then, my Lord, comes the statement as to the “ Bull’s runs.” Then I pass to the next, page 2590 :—

“ We give you, brothers, the undoubted assurance of the Revolutionary Directory, that most important measures are being organised to put in progress, and we believe their work will be both significant and effective. They are not inclined, however, nor are we disposed to urge them to march an inch beyond the line where they are not properly prepared to go. All cannot be done in a day. All could be lost in a day by over-hasty and precipitate action. Pay no attention to the boast of our enemies over the water. They have large armies, armed with unreasoning martial law, to enforce bloody persecution, but though we may grieve for the suffering of our kindred we know the cause is beyond the enemy’s power. We must not be impatient, for the cause of Ireland has suffered defeat more than once by over-impatience. Let us remember that the late Convention at Philadelphia has so laid open the wrongs of Ireland to the gaze of the civilised world that its sympathies are now with us. Our enemies feel all this, and are in consequence panic-stricken without yet receiving any direct blow. They well know that the public opinion of mankind will justify any course we may take against them, and if reasonably successful, we will have respect as well as sympathy.”

Then, my Lord, are some words asking the members to act, and I proceed to what is important :—

“ Another proposition of the most serious import comes now before us. It is at the suggestion of the brothers who assembled at the recent public gathering already referred to at Philadelphia that we submit for your approval or rejection, an amendment to the constitution reducing our large conventions into smaller and safer proportions. On our present basis the next convention would not be much short of 400 delegates. When we reflect on the difficulties at Chicago in 1881, with only 160 delegates when opposition was not so active as now, it is believed, and with strong reason, that the assemblage of nearly 400 under the prevailing excitement would be about equivalent to showing our hands to the enemy.”

You will recollect this is the party of dynamite extension :—

“ There is also an amendment to suspend the convention of this year. The reasons given by the brothers who urged these amendments were those which must suggest to every reflecting mind. The country is full of detectives, and can a convention assemble with safety to the men on both sides whose lives are imperilled. Yet the safety of the men is the least consideration. Can the convention be held with safety to the cause? Before answering this question be sure to weigh all the circumstances candidly and carefully.”

My Lord, at page 2759 you will now find that statement of the meeting of this executive council. You will see nearly at the bottom of the page immediately previous to the last paragraph this occurs :—

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“The direction of the movement in America was unanimously entrusted by the Convention to a council consisting of a president and executive council of seven. This body is now formally organised.”

Then if you will be kind enough to look at the head of this statement you will find who the body were. This is May 14th, 1883. There were present, my Lord, at this meeting, your Lordship sees, Mr. Patrick Egan, of Dublin—he is called you see of Dublin. Whether he has been elected by virtue of the rule that gives power to supply vacancies or not, I do not know, but you will find that Mr. Mayer, who to us was neutral, is turned out, and Mr. Patrick Egan, of Dublin, is appointed. Well, of course, we shall see in a moment his action. Alexander Sullivan, President of the League; Dr. O'Reilly, who had been proposed by Sullivan as treasurer; J. J. Hynes, whom I have not been able to claim as Clan-na-Gael, secretary; Messrs. W. B. Wallace, of New York; Rev. Father McKenna, of Massachusetts; M. V. Gannon, of Iowa; James Reynolds, of Connecticut; and J. G. Donnelly, of Wisconsin. Gannon, Reynolds, and Donnelly are all three V.C.

(*The President.*) It makes more than seven.

(*Sir H. James.*) There ought to be eight.

(*The President.*) There are in fact nine, I think.

(*Sir H. James.*) No, your Lordship must not count the secretary and treasurer in, the committee exists without the treasurer and secretary.

(*The President.*) That may account for it.

(*Sir H. James.*) Then, my Lords, at the heading of page 2760 is this :—

“By means of which the closest union between this country and Ireland will be constantly maintained. Each society will continue its special work under its own name, but as members of the Irish National League of America each will be designated branch No. so and so.”

So your Lordships see that the Clan-na-Gael in its branches will never appear as Clan-na-Gael, but that the committee of seven were parties to the fact that there would be secrecy maintained, that the public name should not be disclosed, and the Clan-na-Gael should heroby be used, and every one of these persons representing the national movement were agreeing that the Clan-na-Gael should come in by its different organisations. There is below a direction to the treasurer :—

“The council directed that the treasurer remit to Alfred Webb, or to such other treasurer or trustees as during his term of office may be designated by the Irish National League, the sum of one thousand pounds as frequently as that sum shall be received by him, providing, however, that smaller sums shall be remitted if in the judgment of Mr. Parnell any emergency arises requiring more frequent remittances.”

Then lower down :—

“All localities desiring lectures by Mr. Thomas Brennan, of Ireland, were requested to apply to the National Secretary, who will answer through the National Committeemen of the respective States.”

I was endeavouring to see how these events were learnt and dealt with by those who were capable of judging the writer, or whoever had the control of the “Irishman” at this time, knew well what was taking place. At page 4046, this paper of Mr. O'Brien expressed its views on this matter. There is an article on the 12th May, which was therefore, of course, just a fortnight after the Convention. At page 4046, the last paragraph, there is this :—

“Every movement organised against the benevolent laws of this country is supported with Irish-American money, and encouraging specches are sent flying hither upon the wings of the press. Millions of dollars have thus been freely subscribed for no other purpose but to thwart the intentions of Government, and keep alive the flame of dissatisfaction and rebellion. Look at the Convention held in Philadelphia? What manifold mischief the ‘Parliament of the Irish race in exile’ will work here at home. Our countrymen in America are accumulating vast wealth and consolidating immense force, and for what object? We can hardly venture to name it.”

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No, my Lord, they could not.

“We can hardly venture to name it.”

That is the object.

“The outcome of the Convention no man can accurately forecast. It threatens to encompass an end of thrilling interest to England. From the union and resolve and determination of the Gael in the American Continent there is no prophesying what may issue. In the hearts of those 15 or 20 millions of men of Irish blood rankles a wound which refuses to be healed. There is no cure for it, they say, with dogged obstinacy, but topsy turvy here and then the retreat of the English garrison with bag and baggage, if mayhap the latter can be saved in the pell-mell confusion of a horrible upheaval and universal crash.”

My Lords, this is wild language, but this is what appears in Mr. O'Brien's paper, and as I have said before, there must be a responsibility on some one with regard to the organ of the party at the time when he is writing.

My Lords, I am glad to say I have dealt with the period, and comparatively a broad period of time. I have dealt with the Philadelphia Convention as a very important proceeding; I have dealt with the Chicago Convention previously, showing the direction in which the movement was going. Here was the success attained by the Glan-na-Gael in obtaining the direction of affairs. My learned friend, Mr. Asquith, to whom I owe much, has given me some very important evidence as to this period. It is a matter of fact. I was dealing with documents, and I omitted it, but it is a singular statement that Mr. Harris makes. Your Lordships will recollect that in the spring of 1883 Mr. Harris went to America. He landed in America in the month of June 1883, it is mentioned in his evidence at page 6080; he met Sheridan, Egan, and Byrne, I think also John Walsh and Brennan. My Lords, he gave to you most important information as to the state of things that there was influencing the Nationalists in America. Does your Lordship bear in mind my learned friend, Sir Charles Russell's description of the Clan-na-Gael. He says it never had been a body of assassination or destruction, but he says at one time, in its later time, a small—I think his words were—a small and insignificant section of that body, but a small section certainly, may have favoured dynamite, but if it was an insignificant section I am afraid by the teachings of these people in America it was not only the Clan-na-Gael that was supporting dynamite at that moment. Mr. Harris, at page 6082, gives his experience in America at this time. Mr. Harris was desirous of lecturing, and at question 94,974 he gives you an account of the success of his lectures:—

“One of the causes of my failure, as I might call it in America, to lecture there was that the dynamite party was so strong. The first city I went to lecture in was Manchester, and a resolution was brought forward by a committee composed of dynamiters there in favour of the dynamite policy. I told them I could not indorse such a policy, and that I would withdraw from the Convention if they put it forward. The result was sooner than let me withdraw from the Convention they withdrew the resolution, and I found from the state of political feeling in America it was impossible for me to go about lecturing through the States, on account of the opposition of the dynamite party—”

My Lords, that was not an insignificant remnant, I think the expression was, of the Clan-na-Gael:—

“on the one hand, and other organisations which did not adopt the dynamite policy on the other. In fact there was utter confusion at this time amongst the advanced National party in America which entirely disabled me proceeding on the lines that I hoped to have proceeded upon when leaving home.”

Then, my Lords, he says:—

“I met Sheridan very frequently in America. (Q.) Did you know of his lecturing at the Horticultural Hall in Philadelphia in the early part of October

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“ 1883, shortly before the 14th October?—(A.) I did not. (Q.) Did you know
 “ that Sheridan at this time was advocating a well-directed scientific warfare of
 “ dynamite and trynamite through glycerine?—(A.) I knew that Sheridan lent to
 “ the side of the dynamiters just as Ford did. He was writing in Ford’s
 “ office.”

Then, my Lords, he says he continued to meet Sheridan, and this is what he put to him. I think in justice to Mr. Harris, and, perhaps, Sheridan too, I should read it:—

“ (Q.) You say he advocated dynamite?—(A.) I rather think so. (Q.)
 “ Would you say of Sheridan now, with what you know, that he is a kind of man
 “ that would not be suspected of doing any crime, or having anything to do with
 “ assassination; that is his general character.” I am reading from Mr. Davitt’s
 evidence at page 5746. “ Should you give him that character, after what you
 “ have said?—(A.) I would be inclined to give him that character so far as
 “ acting against individuals; but, as taking action against the Government of
 “ England, I would not go so far.”

And so, my Lords, we know what taking action against the English Government means, and thus we learn how these conspicuous people were acting in America at this time.

My Lords, I do not wish to repeat anything that I have said as to the speeches of men at this time, but you have on your note, may I remind you, that this is the very time—June 1883—that Mr. Egan was making that speech to which I referred you yesterday, mentioned at page 2216, where it says:—

“ The cry which has for some time past resounded through England, ‘ More
 “ rope for Ireland,’ has been answered, and two more of our countrymen have
 “ died on the scaffold. One of them—poor Daniel Curley—I knew long and well,
 “ and I can say with truth that a more sterling patriot never died for Ireland.”
 Then, my Lords, he says:—

“ I do not believe that these men were guilty of the charge for which they
 “ suffered. Certain it is they were not fairly convicted.”

The point is that the patriotism consisted of murder, and that is the Mr. Egan whom I now have to introduce to you as further leading up to and whom I shall have to introduce to you in connexion with the whole of this movement. We have also further knowledge now as to what were the views of Alexander Sullivan at this time, the leader and president alike of this Clan-na-Gael and this national organisation. He has a conversation with Le Caron which is set out at page 2571; it is a conversation which took place I think as Le Caron was travelling with Alexander Sullivan. The question is your Lordship’s question:—

“ During the same day was it a part of the same conversation, the same
 “ negotiation, or whatever you choose to call it.”

He had previously said it was “ discussed at this date what was to be the future
 “ policy so far as actual warfare was concerned ” and then he proceeds—

“ I received a personal invitation from Alexander Sullivan to accompany him
 “ to a public demonstration at Milwaukee, Wisconsin. I travelled to Milwaukee
 “ and returned with Sullivan, stayed with him that same night at the same hotel
 “ and a series of conversations took place during our trip to Milwaukee, and
 “ during our travelling on the cars. (*The Attorney-General.*) Probably it would
 “ be better that I should first get what is clearly admissible. I want to follow
 “ out loyally your Lordship’s ruling. (Q.) What did he say with regard to the
 “ future policy of the organisation?—(A.) He mentioned respectation what had been
 “ done first (Q.) What did he say. I mean the substance of what he said?—(A.) So
 “ far as the failure and the arrest of Dr. Gallagher at that time, he said that in
 “ future men would be chosen for the work who would not go beyond their
 “ orders as Dr. Gallagher had done. I inquired of him in what way. He
 “ answered me that the doctor disobeyed instructions and gave himself away,

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“ That he got in with some of Rossa’s men, who told Tim McDermott who informed the Government.”

My Lord, I have not waited. I have had so many that I could refer to for corroboration of Le Caron, to note each one as we pass. Does your Lordship recollect that in Captain Plunkett’s evidence, Mr. Davitt cross-examined that witness: it is at page 2013, and there Mr. Davitt, strangely enough, cross-examined Captain Plunkett as to the presence in the early part of 1883 of an Irish-American in Cork, and if you look at the drift of the cross-examination, I submit that the intention was to suggest that this man had been giving information. It is true that Mr. Davitt spoke of a James McDermott, whilst Le Caron has spoken of a Tim McDermott, I am told he said Jim.

(*Mr. Justice A. L. Smith.*) It is printed Jim.

(*The President*) You suggest that Tim has been put for Jim.

(*Sir H. James.*) I suggest nothing; my learned friends around me suggest it.

(*Mr. Davitt.*) It is the same person; it is James McDermott.

(*Sir H. James.*) I think there is acquiescence from all sides, from one pole to the other, from my learned friend Mr. Ronan to Mr. Davitt there is full acquiescence.

(*The President.*) That it should be Jim?

(*Sir H. James.*) Jim or Tim, my Lord; I leave that. However, this is a strange thing. Will your Lordships note the date in the early part of 1883. Captain Plunkett, who, of course, is representing the police authority, is asked:—

“ Were you frequenting the Imperial Hotel in Cork in the beginning of 1883?—(*A.*) I was living there. (*Q.*) Did you meet an Irish-American named James McDermott in that hotel?—(*A.*) I saw him. (*Q.*) Frequently?—(*A.*) No, not frequently. (*Q.*) How often?—(*A.*) I think he was there for about a week. (*Q.*) Did you meet him in private?—(*A.*) Oh, no; and if I did I would not tell you. (*Q.*) You would not?—(*A.*) No. (*Q.*) Will you tell me what his business was?—(*A.*) I do not know. (*Q.*) Did you ever ask him?—(*A.*) No, never. (*Q.*) Cannot you give a guess?—(*A.*) No. (*Q.*) Will you swear seriously that you did not know what James MacDermott’s business was in Cork?—(*A.*) I have already sworn it. (*Q.*) And you maintain that?—(*A.*) Yes. (*Q.*) Did you know he was a paid agent of Dublin Castle?—(*A.*) No. (*Q.*) You did not?—(*A.*) No. (*Q.*) You knew James Ellis French the Detective Director of the Royal Irish Constabulary?—”

That is another matter. My Lord, this is a singular corroboration; Le Caron is saying that Sullivan, directing the Clan-na-Gael, knew that Dr. Gallagher, who is now undergoing penal servitude for life had given himself away by giving information which had reached this man McDermott, and Le Caron not knowing when he gave his evidence, at least he had known this cross-examination, I must admit that, but I do not think he had worked the two things out, Mr. Davitt is suggesting to Captain Plunkett that this was the James McDermott, who in the spring or the early part of 1883 was a paid official of the Government.

(*Mr. Davitt.*) All the facts about McDermott visiting Cork were published in Cork at the time in the “ Irish World ” and the “ Cork Herald,” and I would have brought those papers before your Lordships, only your Lordships if you remember objected to my going into the case of McDermott.

(*Sir H. James.*) If Mr. Davitt says they were published in the papers at that time it may be so. Then, I suppose, the suggestion is that Le Caron at Braidwood, or Nebraska, or wherever it was, would have seen those papers at the time those were published in 1883, and the suggestion is that now in 1889 he has made that statement in relation to it, but I will take what Mr. Davitt says that it was published.

My Lords, I have one more circular to read which is an important one, and it is also an account of what is taking place in the Clan-na-Gael. It is dated the 16th September 1883, and it is set out at page 2591 in Le Caron’s evidence:—

“ We have been addressing the brethren until the result of amendments to the constitution were passed upon. Enclosed herewith is a record of the votes of the several D’s on these amendments. It will be seen that the amendments substituting District for General Conventions, and providing that the

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“ General Convention shall be composed of delegates chosen by the District
“ Conventions has been adopted.”

Then there are some directions. Will your Lordships pass to the next paragraph.

“ We earnestly assure our brothers that, while some disappointments have
“ occurred, we have neither become despondent nor lost faith. Nor are we idle.
“ Other movements are being pushed, both in the direction of instructing men,
“ and in securing war material. Even our disappointments are not regarded by
“ us as failures. We believe, that while agitation and public organisation are
“ necessary, these would not have been effective in securing concessions from our
“ enemy had not the courage, the capacity, and the great scientific skill of the
“ secret organisation brought terror to the very doors of the oppressor. The
“ enemy realise at least that they are being struck by an unseen power. The
“ mystery and the secrecy has struck terror to their hearts which they vainly
“ attempt to offset by asking, in blind rage, the world to condemn your warfare.”

My Lords, I told you before that was the period in 1883 when the Local Government Board was attacked, the railway stations were a little late, the town hall in Liverpool, and Gallagher's arrest which has been proved, and these were occurring.”

“ Though the efforts of your executive have not been fully realised, or rather,
“ indeed, were marred by the informer's treason, yet those brothers (with one
“ solitary exception), entrusted with the work did nobly, and were at the very
“ threshold of deeds that would have startled the world, and put the fear of the
“ organisation in the hearts of the enemy. These brothers, with heroic faith,
“ have carried your secrets to the dungeon, under a fate and torture worse than
“ death. They did nobly; it was by no fault of theirs they failed, and they must
“ and will be enrolled among the gallant band of martyr patriots, who have
“ perpetuated the glorious struggle for Irish independence.”

My Lords, if I might digress for a moment, might I be allowed to ask whether men who would share with pride the acts of brave Irishmen, who were entitled to the name of patriots, would not resent the statement that these murderers and cowardly assassins are to be—

“ Enrolled among the gallant band of martyr patriots, who have perpetuated
“ the glorious struggle for Irish independence.”

Then it continues:—

“ They paralysed the haughty power of England, they placed England under
“ the bayonet of martial law, they brought war from the starving and crushed
“ people of Ireland to the imperial gates of England; they have settled the legal
“ status of a new mode of warfare. By a solemn decision from the highest
“ authority in England, presided over by her Chief Justice, we have compelled
“ her to recognise a new epoch in the art of war. Had these men invaded
“ England with a musket they would have suffered no less.”

My Lords, I may state it is a matter of legal decision probably known to you lordships that it was held by the Chief Justice and his colleague at Gallagher's trial that the carrying on of war would not be confined to the ordinary mode of warfare, but that you might carry on war by means of dynamite explosions:—

“ We cannot see our way for an armed insurrection in Ireland this side of
“ some great foreign war with England, but in the meantime we shall carry on an
“ incessant and persistent warfare with the powers of England in public and in
“ secret. We have begun work, we tested our capacity, and learned many of
“ our own shortcomings, all of which we will profit by. That the commencement
“ of active work in new fields, with new methods, new and unskilled hands should
“ result in partial failure was not wonderful.

“ We regret the loss of valuable and patriotic men, but such are the chances
“ of war. They have accepted them without a murmur. They teach us a glorious
“ lesson. We must be, and we are prepared over and against the loss of blood
“ and treasure to make good the work intended as some fall, others gathering
“ experience from disaster, will fill the moving ranks. While the great work
“ moves on in public and in secret, with the irresistible power of a force of nature
“ to a triumphant issue, we will have our “ Bull Runs,” our disasters, our failures,
“ our partial failures, like every nation engaged in like struggles. With the
“ persistent everyday energy that greets disaster with a smile and turns with

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“ greater determination from every failure, we will yet snatch victory from the ashes of defeat. You will note with pleasure that the informer is foredoomed, and that no man can betray and live.”

Your Lordships, perhaps, will note the date of this, September, and also it may be in your recollection the date of the murder of Carey by O'Donnell :—

“ No hole too dark, no corner of the earth too obscure or too far to hide the spy and the informer from the avenging arm of Irish Nationality.”

Then, my Lords, the rest is somewhat relating to business. Will your Lordships take the last paragraph :—

“ Several brothers have written to inquire what action should be taken with men who give information to outsiders concerning doings on the organization and how to treat the outsiders who get and use this information. If men who profess to be revolutionists do not know how to act in such cases without writing to us we are frank to say we would have no faith in their carrying out any instructions which might be given them. In countries where revolutions led to success such inquiries were never made, *action was always taken.*”

My Lords, it is impossible to conceive a more cold-blooded direction to murder than that document represents. Will you please note that this circular was issued by Alexander Sullivan, and that at this date, September 1883, Patrick Egan was a member of the Clan-na-Gael, and would receive that circular. The date of his joining is proved at page 2750 where Le Caron says he first met Egan in Camp 16 in Chicago :—

“(Q.) I want to get what date please, that is all?—(A.) I am not certain to a day. I would put it the 1st June 1883. (Q.) Then he must have been a member then?—(A.) Yes.”

My Lords, I am happy to be able to make some progress in events, and I hope I shall not have to deal so minutely upon the subject I have now to deal with as I have before. In the autumn of 1883, an event occurred in this Clan-na-Gael body. It is mentioned at page 2594, and if we could suppose that a more ghastly state of things than that which I have represented could have existed, we come now to a worse era. There was what has been termed a split existing in this body, and Alexander Sullivan, who did not always find agreement, as was shown by Finnerty's action carried with him a very large body of the Clan-na-Gael. My Lords, that tale is told at page 2594.

Before calling your Lordship's attention to this, I have been so anxious if I could to shorten what I had to say, I would ask you to read on the same page a circular of May 5th where you will see this in the 4th rule :—

“ No person who is not a member for at least three years, and whose antecedents, prudence and courage is not fully known, shall be accepted or sent forward for any work of a revolutionary character.”

Now my Lords I proceed with what I was dealing with. It is question 44,343.

“(Q.) Who were the two factions?—(A.) Owing to the adoption of the amendments which have just been read and the convention which was due that year being postponed by the present administration—Alexander Sullivan—it caused a split in the organisation and the formation by the seceders therefrom of another secret revolutionary organisation. (Q.) What was the name of the new branch?—(A.) They retained the old name. (Q.) What was the name of the seceders.—(A.) The seceders retained the old name. (Q.) Then what was the name of the new branch—the ‘U. S.’—(A.) After that it became the ‘U.S.’ What does the ‘U.S.’ stand for. Is it the United Sullivan or what? Is it simply a term—an expression?—(A.) It is a term. (Q.) Who was the head of the ‘U.S.’?—(A.) Until the Boston Convention, Alexander Sullivan. (Q.) The Boston Convention of what date.—(A.) 1885. (Q.) What was the sign adopted by the ‘U.S.’—the sign for signing their letters I mean.—(A.) Under the new Constitution, as adopted by camps that you have read, the executive body was reduced to three.”

That is the Clan-na-Gael,

“ And the signed used in all communications was a triangle, and that was the period known as the period of the triangle.”

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Then, my Lords, they were called "U.S.," and that as obtained from the witness has no signification.

" (*The Attorney General.*) And the others continued to be the V. C. ?—(A.) Yes.
 " (Q.) Were the V.C. and the U.S. entirely separate or not?—(A.) They were
 " entirely separate."

Then a little lower down the witness says, at question 44,361 :—

" My camp retained its allegiance with the old organisation, the Sullivan
 " faction. (Q.) You call it the old organisation ; we had better call it the U. S. ?
 " —(A.) The U. S. (Q.) The bulk of the old organisation became U. S. ?—
 " (A.) The bulk of it. (Q.) You remained in your camp with the U. S. ?—
 " (A.) Yes. (Q.) At the head of which was Alexander Sullivan ?—(A.) Yes.
 " (Q.) The minority of the camps still continued to call themselves V. C. ?—
 " (A.) And Clan-na-Gael, as the name Clan na-Gael had been prohibited by the
 " Sullivan regime."

Of course at this time the Clan-na-Gael had been discussed throughout the civilised world. Mr. Alexander Sullivan's policy was, " Shut out that name ; call us by some
 " other name, the U. S., and instead of using any designation of name or even of
 " alphabetical description, we will call ourselves the Triangle ;" and from that time
 we are dealing with this hidden body of murder, which described itself by the Triangle
 and no other description.

There is at this date one other matter that I think I ought not to pass entirely by,
 which is a description which was given of a meeting in Paris at this time. It occurs in
 the Irish newspaper. It was a meeting at Paris, where a Mr. Patrick Casey—this is
 published to the world—

" Proclaimed himself an apostle of physical force and an advocate of dynamite
 " in the struggle against England."

Then this occurs also, following in the same newspaper :—

" A representative of the Hon. John F. Finerty, Members (*sic*) of Congress,
 " one of the dynamite leaders in the States, stated that the vast majority of the
 " Old Guard in America were now running the dynamite ticket. The toast of
 " ' The Irish Republic ' was responded to by Mr. William Kirwan, who predicted
 " that England would be so terrorised by Irish extremists that she would be so
 " compelled to cut the cable which bound both countries under one executive."

Now I have to trace for a moment Mr. Patrick Egan's farther action. You will
 find he becomes active, and you will find that (as I read the evidence at page 2725),
 he was founding in the year 1884 the Lincoln camp. That occurs at question 46,018.
 " Since the formation of the Lincoln camp by Mr. Egan." There may be some reading
 of that to show that from that time Le Caron thought he was a member, which may
 conflict a little with the evidence he gave as to June 1883. But this is the point, that
 Egan at the time was so active a member of the Clan-na-Gael that he was forming a
 camp at Lincoln. That would be in 1884.

One other actor appears on the scene again. That is preceding the Convention to
 which I now have to call your attention, namely, the Boston Convention of 1884. Mr.
 Patrick Ford seems to take up a more conciliatory or friendly attitude. You will find
 at page 3950 there is an article in the " Irish World " that refers in terms of approval
 to the brothers Redmond—

" The brothers Redmond, members of Parliament for New Ross and Wexford,
 " are making good progress on their lecturing tour in America."

That is the 9th February 1884—

" They have already addressed large and enthusiastic meetings in San
 " Francisco and Chicago. We heartily welcome them to the States, and wish
 " them a successful campaign. They are, both of them, earnest and patriotic
 " Irishmen who have laboured, and are labouring, zealously and honestly in the
 " Irish cause. We have no doubt their countrymen in America will extend to
 " them, what they so eminently deserve, a cordial greeting and a warm support."

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I wish to be as accurate as I can. I stated that there might be some conflict of evidence as to the dates. It is pointed out to me that that is not so. The date of 1884 referred to the knowledge Le Caron had of John Fitzgerald. Therefore, Le Caron's evidence as to when Egan first joined is not at all affected by the evidence at page 2725. You have had from me this conversation between Le Caron and Egan which is given at page 2611, and also that which I said I would point out to your Lordships, that Egan mentioned to Le Caron Mr. Anderson, the Government prosecutor (page 2615):—

“ Yes, he spoke of one he called Sam Anderson ; he told me he was a Government prosecuting official. He spoke of him in very, very bitter terms. He would very much like to see him put out of the way ; he thought he richly deserved it.”

That was mentioned in connexion with Delaney's evidence. I wished to refer you to it.

I pass on now to the next step in the action of the Clan-na-Gael in taking possession of the Irish movement in America. This next Convention we have to deal with is the Boston Convention. It was a Convention that was held on the 13th and 14th August 1884. Again, Mr. Alexander Sullivan calls the National Convention (as this is termed) to order. He makes his speech and says:—

“ The memorable Philadelphia Convention organised the Irish National League of America. It is the auxiliary of the Irish National League of Ireland, *the heir of all the hopes and the guardian of more than the aims of that great social revolt* which lifted the Irish farmer from the earth to his feet and cast the English system of landlordism in Ireland on its face on the earth.”

Again, I am referring, of course, now to the reports found in Mr. Davitt's book under the head of the Boston Convention. You will recollect the Philadelphia Convention had rules which, of course, gave great power to the president and to the executive. So, Mr. Alexander Sullivan, wishing there shall be no discussion on these rules (you will find at page 6 this section of Mr. Davitt's book) offered as an amendment to a resolution:—

“ That the rules of the Philadelphia Convention be adopted as the rules of this Convention until further action.”

The mover of the original motion accepted the substitute of Mr. Sullivan which was carried. Then Mr. William Redmond with Mr. Sexton appears and makes a speech which I only read a word or two of. He says:—

“ We will work as long as we have life for the consummation of that object for which our fathers worked far more bitterly than we may be called upon to work until we have made Ireland a nation, and given her a harp without a crown.”

There is a speech by a lady I have avoided quoting on previous occasions, I shall pass it by now—Mrs. Parnell. There is some matter which may be important. I pass it now. You will find it at page 17 ; the committee, for organisation proposed permanent officers for the Convention and they were appointed. All I will say about them is that very many of them are Clan-na-Gael men. Mr. Gannon, who is a Clan-na-Gael man, at page 18 says:—

“ And those who say to us Irish that we must be eternally attempting some crime in Ireland, and talk particularly when an exasperated Irishman lifts his weapon against a landlord who has ruined him, know, too, that on these historic fields Americans were fighting against this same enemy of Ireland with liberty on their lips, but bullets in their muskets. While we should support ardently, loyally, the constitutional policy laid down by our glorious leader, Mr. Parnell, yet at the same time we shall not go round with any lying lips apologising for any patriot Irishman's crime. When they give back Francis Hines, and place him in the flesh ; when they restore to life the murdered Irishmen of this past decade, then perhaps we may pass by on the other side, and pretend there is a tear in our eye ; but until then it is not our time for crying.”

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We have at this meeting for the first time a trace of a fund to which I have to call your attention. It is the starting of a fund called the "Parliamentary Fund," and trace of it is found in the report of the secretary, a man named Roger Walsh. He says:—

"That the Parliamentary Fund, which was started at the meeting of the National Executive Committee on April 15th last, now amounts 4,767 dollars."

That is at page 21 of the book. Then the next occurrence that takes place is that—

"Mr. Alexander Sullivan announced that the Committee on Resolutions were ready to report, but he moved that Messrs. Sexton and Redmond be added to the committee, and that the report be delayed until those gentlemen had opportunity to examine it. This, he argued, was essential for two reasons: First, because under the present Coercion Act, the organisation at home might be held responsible for the expressions of the organisation with which it is connected here; and, second, it is essential that the utterances of the Convention should meet with their hearty approval, and that the world should know that when the Irish people spoke they spoke as a unit. The motion prevailed, and the two Members of Parliament were called to the committee."

That is page 22. Then there are resolutions that I need not, I think, deal with in any detail. There are thanks to Alexander Sullivan for his unselfish devotion to the cause of Ireland. There is a speech by Mr. Sexton in which he praises Mr. Alexander Sullivan for his admirable address, and says he is heartily in agreement with the resolutions. Mr. Alexander Sullivan is proposed as president. He declines to continue president. First, I may mention that when the resignation of Mr. Sullivan took place Dr. H. Le Caron moved that it be accepted with regret. Then the name of Patrick Egan, formerly treasurer of the Irish National Land League of Ireland, was placed in nomination by Judge Prendergast. Colonel Boland seconded. And then the motion is carried amidst a tremendous burst of enthusiasm and Mr. Patrick Egan, the founder of the Lincoln Camp of the Clan-na-Gael succeeds Sullivan as president of the Irish organisation in America. Mr. Egan spoke. You will find this at page 66. He said:—

"I shall bring to the discharge of the office an honest, earnest determination to keep this League on the lines on which it has been carried on by Alexander Sullivan."

The National Executive Committee was appointed containing very many Clan-na-Gael men; and now, my Lord, that National Committee of the League elect an executive council of seven: The Honorable M. V. Gannon (Clan-na-Gael), Colonel M. Boland (Clan-na-Gael), Timothy Maroney (Clan-na-Gael), Thomas Flathy (as far as we know not so), M. B. Holmes (Clan-na-Gael), the Honorable J. G. Donnolly (Clan-na-Gael), and U. J. Carroll (Clan-na-Gael). And now, my Lord, there is the constitution of the Irish movement in America. Substantially it there remains, Patrick Egan, the successor of Alexander Sullivan, bearing his mantle. Of the members of the Clan-na-Gael, six out of seven of the executive committee are Clan-na-Gael men. This terminated the arrangements that were made in 1884 which have brought this organisation, if it be a national one in America, into the hands of the Clan-na-Gael organisation.

Will your Lordship allow me to note with respect to what I have now to point out that, by the rules and constitution of the Irish National League which I hold in my hand, in Mr. Davitt's book, you will find by Rule 7 it is said:—

"The governing body of the League shall consist of the president, vice-presidents, and National Committee, which shall be composed of one member from each state, territory, the district of Columbia, and the Dominion of Canada, and which shall be elected by the National Convention, and shall meet at least once annually, the time and place of which shall be designated by the president."

Now, your Lordship sees, therefore, there ought to have been every year a Convention, the place and time being designated by Patrick Egan. As your Lordship sees,

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Patrick Egan at this time was *dominus* of the position. He had secured the organisation in the hands of the Clan-na-Gael; and we shall see that he retained that by not summoning the meeting which ought to have been held. I ought, as I did before, to have shown your Lordships how the Clan-na-Gael men regarded these proceedings at Boston. We have two circulars giving the history of this, one before the holding of the meeting, and one afterwards. Your Lordship will see the importance of this circular. It occurs at page 2617:—

“ We request as many brothers as possible to be elected delegates to the
“ Boston Convention,”

And they are requested to report:—

“ The Clan-na-Gael men are hereby instructed to vote down in the League
“ Convention every proposition to denounce physical force of any kind.”

The question was not mooted, your Lordship knows; but they were prepared to vote it down—

“ It is rumoured that a certain body of men will make most earnest efforts
“ to secure the adoption of a resolution denouncing certain kinds of warfare. We
“ should support no so-called Irish movement which cannot find enough of the
“ enemy’s doings to denounce. Public movements are necessary auxiliaries of
“ the private one, but they must not be allowed to become cowardly in their
“ declarations, nor to sink into mere agitations stripped of the spirit of nationality.
“ There must be no compromise upon this subject.”

Then a little lower down occurs this:—

“ Both parties have inserted planks in their platforms in favour of excluding
“ English absolute landlordism from this country. Let every man of us who
“ speaks or writes on either side use this test to denounce English intrusion and
“ influence on this continent. Keep alive in their minds the soldiers who were
“ shot by English bullets, discharged by English powder, out of English guns,
“ that America, like Ireland, owes England nothing but enmity.”

Then at the head of the next page you have this paragraph:—

“ And we also say use every means of reaching the American ear to poison
“ the American mind against America’s and Ireland’s common enemy.”

This is a part, of course, of the policy of poisoning the American mind.

Then I pass to the circular that narrates what has occurred. That occurs at page 2625. It is dated September 1884. It, of course, is now narrating what took place at the Convention:—

“ The wisdom of a reduced and limited representation to your Convention has
“ been fully demonstrated by the Convention of the F. C. just adjourned. Your
“ two preceding Conventions were the theme of the newspapers. The last Con-
“ vention convened, deliberated and adjourned, undiscovered by public scrutiny.”

“ The Convention unanimously endorsed the wisdom of the rule adopted by
“ more than two-thirds of your D’s limiting the representation, and incorporated
“ that rule as a law of your constitution. The Convention also approved of the
“ active policy adopted by the late F. C., and deliberately and unanimously
“ adopted that policy as the rule of future operations.”

I pass on to the next paragraph but one:—

“ Your admirable discipline, your broad, tolerant, and generous views, but
“ above all your great and soldierly obedience to the policies of the organisation,
“ have enabled you to officer and direct every open movement on wise and
“ patriotic grounds. You have connected all the broken links of the open
“ organisation with a secret power that directs and inspires all their movements.”

My Lord, how true that was. Then it says in the next paragraph:—

“ We are aware that the false claims of others are well calculated to make
“ our brothers restive, when they know the means of denying such claims exist in

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“ their possession, but to deny in each case would be to affirm that which we
 “ cannot do and succeed in the work before us. Besides, these false claims afford
 “ us the means of diverting the attention of the enemy from our work, and in
 “ that their false claims render us most valuable assistance. The Convention in
 “ in order to limit the possibilities of exposure in its operations, and to curtail
 “ expenses, have cut down your F.C. to three persons. While reducing the
 “ expenses, it has secured a oneness of purpose in plans and aims.”

Then a little lower down only, mark the 5th:—

“ As the present and future policy of the organisation will, from prudential
 “ reasons, prevent a publication or allusion of any kind to the work in hand, the
 “ F. C. will publish but few, if any, circulars alluding to the work in course of
 “ progress. For the progress of the work we refer you to the statement of the
 “ enemy through the press. Such circulars as it may be deemed essential to issue
 “ will be directed to a general review of the details of organisation and extending
 “ the organisation.”

You will mark that that circular is signed with a very distinct triangle.

Adjourned for a short time.

My Lords, there is a small matter connected with this Convention with which I have first dealt. It is that Mr. Redmond having been present we have the report of a speech or rather a very short summary, at least of a speech given by Mr. Redmond at page 3953. We understand from what occurred this morning, that would be from Mr. William Redmond, and it is a summary that appeared in the “Irish World.” It is called an important speech by the “World” and it makes Mr. Redmond to say that—

“ It is not the duty of Ireland to act as detectives.”

After stating that the Irish Parliamentary party had no sympathy with this mode of warfare and possessed no influence over those who practised it, Mr. Redmond proceeded to say:—

“ Dynamite outrages will continue so long as men like Lord Spencer govern
 “ Ireland by coercion.”

My Lords, that has been put in evidence, and I do not myself wish to dwell upon it. You will see it is a summary—a very short summary—of the speech according to the view of the “Irish World.” And I do not think it would be showing a feeling of what is due towards anybody to make a person answerable for a speech so reported. The reason I mention it is that Mr. William Redmond would have been confronted with a speech he did make in Edinburgh, and he was one of the members of Parliament to whom reference has been made this morning whose absence from the witness-box we have to note.

I have mentioned to your Lordships that as regards these years 1883 and 1884. it was a period of dynamite outrage in Ireland. And your Lordships will recollect that Mr. Parnell was asked if he ever denounced these dynamite outrages. And I hope I am giving Mr. Parnell's evidence quite correctly. He said that had, but as far as I know, the only reference that he gave to you of any denunciation of outrage was the speech that he made on the 23rd February 1883. That is reported on your note at page 3334. Mr. Parnell there said:—

“ What is the difference between the responsibility of the right honourable
 “ gentlemen who read these articles and who, from that perusal, derived what
 “ their tenor and result would be, and who refused to take the responsibility of
 “ preventing their circulation amongst the peasantry and the responsibility of
 “ myself, who never read the articles which are now brought up as an accusation
 “ against me, because indeed Mr. Patrick Ford, in his office in Brooklyn, or in
 “ New York, choses to direct his newspaper for the purpose of destroying or
 “ attempting to destroy the movement which we have been so carefully building
 “ up in Ireland. Mr. Patrick Ford's aims and objects and programme are not

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“ my aims and objects and programme, although they may be much nearer the
 “ aims and objects which the late Chief Secretary for Ireland appeared desirous
 “ to bring about.”

My Lords, I say I believe I am correct that Mr. Parnell's view was that that was a sufficient denunciation of outrage. What was in his mind of course he is the best person to judge; but the words must be taken in the sense in which they would be read by ordinary persons. And considering that outrages existed long after this period of February 1883, one would have thought that greater weight would be given to Mr. Parnell's views which he said he entertained. I would observe only that while Mr. Parnell was there saying that Mr. Patrick Ford was opposed to his views, that until the 4th October 1882 the support of the “Irish World” to Mr. Parnell had been so marked and so conspicuous, that you have admitted the “Irish World” in evidence. But whatever may have been Mr. Parnell's intention, the course that he took enabled one of the newspapers that belonged to him to send forth to the world the view of the organ of Mr. Parnell in what must have been in the last days of this newspaper, the “Irishman,” when, I will admit, its circulation was small, but still when its contents would be copied with the authority that the editor's name would give to the paper. the “Irishman,” under the date of the 7th February 1884, published this paragraph:—

“ Still the English papers howl at Mr. Parnell for not denouncing the
 “ dynamite people. Mr. Parnell's silence is a proof of his statemanship and one
 “ of the best evidences he could give of his sagacity. It is none of his business
 “ to take Irishmen to task for their ways and means. Let the English look to
 “ themselves and do their own work. We hope Mr. Parnell will never utter one
 “ word to gratify our English screechers. To rail at the man upon whom they
 “ have heaped abuse for not helping them is the meanest kind of poltroning.
 “ The English press for seven years never ceased to pour out its dirty vituperation
 “ upon the head of the Irish leader, and now it imprudently calls upon him to
 “ condemn the dynamitards. Verily Mr. Parnell has his revenge.”

My Lords, it is but due to Mr. Parnell to say that when that was read to him, he said he did not know that article had been written, and as he said so, I should say it is true he did not. But that is not what I have in my mind in calling your attention to that article, and who wrote that? He knew what his readers would think of that statement, and he sent that statement forth to the world; and although, of course, it may be that Mr. Parnell did not read that himself, as far as I know, however widely that statement may have been copied, no one has ever on Mr. Parnell's behalf, in any form or shape, contradicted that statement, and said Mr. Parnell has denounced outrages in a sufficient and proper manner.

I return now, my Lord, to continue as briefly as I can the statement of the events that were taking place in America. One more circular I have to read to you very shortly. It is a circular signed by the Triangle. I do not think, my Lords, I ought to attempt to dissect the Triangle. One person is Alexander Sullivan, but I do not know who the other two are; at least not with sufficient certainty for me to tell. It is page 2628. This circular, signed by the Triangle, was issued:—

“ As to the active operation against the enemy ”——

It is the last paragraph:—

“ the triangle are from time to time engaged in, they would respectfully
 “ refer you to the public prints for information.”

You will recollect the previous statement as to the necessity of secrecy in these matters. Then, my Lord, we find at page 2629 an open circular from the National League signed by Patrick Egan, president, Charles O'Reilly, who had been nominated, as you know, by Alexander Sullivan and Roger Walsh, secretary. You will see the concluding paragraph is the one that occurs to me as important:—

“ We are at present in communication with Mr. Parnell on the subject of
 “ fixing a time for our annual Convention, and hope to be able to lay his views
 “ before you at an early date. Meantime we urgently appeal to you to do all
 “ that lies in your power to push on the organisation, and particularly to aid in

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“ raising for the Parliamentary Fund such a sum as will enable Mr. Parnell to
 “ take advantage of the all-important opportunity now so near at hand. Relying
 “ on your prompt and vigorous response to this appeal ——”

Then, my Lords, we have a circular to which I call your attention which proceeds from the triangle of the Clan-na-Gael. And now we have the Clan-na-Gael a direct agent in collecting money. It is at page 2630, July 25th, 1885. It refers in the first place to political matter. Then in the second paragraph, after stating that he had driven the Ministers from office, it says:—

“ His action without one word from us should have received more prompt
 “ recognition, in a manner which would have shown to the world that the race
 “ is united. There should be an immediate move to cause funds to be sent
 “ to the treasurer of the League in this country. There is not a camp in the
 “ U.S.”

That is the Sullivan branch of the Clan-na-Gael.

“ There is not a camp in the U.S. in our judgment whose members cannot
 “ cause at least \$100 to be contributed within ten days after the receipt of this
 “ circular. We do not mean that our members should bear this burden, or that
 “ they shall contribute this money. What we mean is that they shall put the
 “ work in motion and get men who can afford it and who do not belong to the
 “ U.S. to contribute to this purpose.”

So, my Lords, Mr. Patrick Egan started the open movement, and the Clan-na-Gael by virtue of this circular is now collecting money for this Parliamentary Fund to which I should have called your Lordships' attention in a moment.

My Lords, in the same way that when Mr. Egan and Clan-na-Gael were collecting money, you will find at page 4168-9 that the “Irish World” is also hard at work collecting money for this Parliamentary fund. Appeals are made through it. You will find the amounts set out there nothing like the large amounts of the Land League time. You will see the paper uses language to induce persons to subscribe. Thousands of dollars still pour in from Irish-American subscribers of the “Irish World.” It is very small—it is only “38 dollars”—there has been, however, a total of 21,000 dollars received. Transmitted to Mr. Parnell 14,000 dollars and so through these pages.

(*Mr. Davitt.*) That was not the “Irish World.”

(*Sir H. James.*) I am sorry if I did not make myself plain. I said distinctly the sum from the “Irish World” only amounted to 38 dollars. In that page you will find swell sums through the “Irish World.” But the extract shows that the “Irish World” was inducing persons so far as they could to subscribe money. Then there was a further attempt to obtain money. Following the page I gave you a short time ago, page 2632, still in Le Caron's evidence, there is a remarkable circular, it is a circular of November 10th.

“ We beg to congratulate you on the vigour and earnestness with which you
 “ put into operation north, south, east, and west, in city and in village, the
 “ movement on behalf of the Parliamentary Fund. Even those whose corres-
 “ pondence first indicated to us that they doubted the policy of the order manfully
 “ obeyed, and many of them have since written to us frankly saying that they
 “ have seen its wisdom. The press has been full of it. The sentiment of the
 “ entire race has been stirred up. That could not have been done without
 “ strengthening the thirst for nationality and the determination to achieve it. It
 “ has done so. The reports have gone by cable and new hope has been given to
 “ every anxious soul in the poorest huts and the most remote spots at home.
 “ This splendid work, put so quietly into operation that no one could see who
 “ moved the springs of the machinery, but so effectually done that the ponderous
 “ sounds of the machine was heard throughout. We heartily thank our brave
 “ band of brothers, whose only reward and whose only hope of reward is in
 “ secret conscientiousness of having aided the cause which is dearer to them than
 “ their lives. We earnestly urge you to see to it at once, and all funds subscribed
 “ are collected and forwarded to the Rev. Charles O'Reilly ——”

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That was the treasurer of the open movement——

“ so that the reverend treasurer of the League in America can remit home, at the
 “ time they stand most in need of it. It is directed that in all cases the money
 “ may be sent through Dr. O'Reilly. The next public duty devolving upon us
 “ will be the reorganisation of branches of the League, and the election of delegates
 “ to its National Convention to be held in Chicago on the 20th January next, at
 “ which Mr. Parnell will be present. The Convention, therefore, must be made a
 “ great success. It would be perilous to the cause to have any failure in
 “ connexion with the visit of the leader of the public movement.”

The next paragraph but one, my Lord, is:—

“ It may be proper here to intimate to you that if our firm has not done
 “ much advertising of late, it is because of a fixed and understood policy, and it
 “ is not mere accident. We have deemed it wise, in view of the present attitude
 “ of public affairs, to keep quiet and make as little noise as possible. Our rivals
 “ have not been hurting our business much of late. Whenever they change their
 “ policy and hurt our trade they will hear from us. A word to the wise. There
 “ is another and most important subject, concerning which we direct that the
 “ attention of every member be called.”

That is as to the proceedings in the Camp, and as to the way in which the business is to be carried on. Will your Lordship now pass to the paragraph commencing “ Brothers,” about ten lines from the end of the letter:—

“ Brothers engaged in special work are frequently in positions where their
 “ lives may be imperilled and their labours rendered futile by the dropping of
 “ a word to ears that are kept open for our works. There are names mentioned
 “ in this very circular which would never be mentioned or alluded to in any way,
 “ place, or connexion which would indicate that we have any special friendship for
 “ them or they for us.”

In the face of this I shall be able to answer the challenge given to me to name the date and place when this alliance was entered into.

“ There are names mentioned in this very circular which should never be
 “ mentioned or alluded to in any way, place, or connexion, which would indicate
 “ that we have any special friendship for them or they for us. The support and
 “ friendship as we give them, should appear to be given by us as individuals, or as
 “ members of the public organisation. No one should be able to discover by any
 “ foolishly spoken words of ours that these gentlemen have a secret organisation
 “ as their friends and allies. We order imperatively that there be no toleration
 “ shown to men who cannot observe the utmost secrecy. Any member who
 “ violates this order or who shields others who violate it must be expelled when
 “ his guilt is established to the satisfaction of a trial committee.”

My Lord, I have now to trace who are the committee. If you will allow me, to save time, I will only mention that the Reception Committee proposed by Mr. Egan to meet Mr. Parnell, you will find mentioned at page 3559. It is not a very important matter. It is a committee mentioned by Mr. Egan. But my Lord, there is more important matter as to this coming Convention. And it is another circular of the Clan-na-Gael arranging in respect to this country Convention as that letter was in respect to others, to be able to take command in it. I refrain from using my learned friend Sir Charles Russell's quotation from American phraseology; but it was really to become the permanent power. It is December 28th, 1885. You will find it set out at page 2635:—

“ Brothers,

“ The coming Convention of the Irish National League, to be held at Chicago
 “ in January, will be the most important, and, it is to be hoped, the most represen-
 “ tative assembly of Irishmen ever gathered together in the country. It is hoped
 “ that the Convention will be able to make the demand of Mr. Parnell for an Irish
 “ Parliament irresistible. Your long, persistent, and intelligent co-operation has
 “ culminated in making this demand opportune, and its granting inevitable.

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Then it proceeds—

“ The achievement of a National Parliament gives us a footing upon Irish soil :
 “ it gives us the agencies and instrumentalities of a government *de facto* at the very
 “ commencement of the Irish struggle. It places the government of the land in
 “ the hands of our friends and brothers. It removed the Castle rings, and gives
 “ us what we may well express as the plant of an armed revolution. From this
 “ standpoint the restoration of Parliament is part of our programme.

I am not reading this for political purposes. It is to show you where it makes the suspension of dynamite operations, and the acceptance for a time, for a time only, of the parliamentary action. Because it says, this action is to be “ the standpoint, and is part of our programme.”

“ When that is attained, if agitation will not go further, we will still go on
 “ with our forces unimpaired and strengthened.”

Then, my Lord, a little lower down :—

“ The triangle will arrange for a general Convention of all the members of
 “ the U. S. attending the Convention, and each camp will be notified in due time
 “ of the time and place of the holding of the general Convention. The Conven-
 “ tion will also furnish an opportunity of exchanging views as to the character
 “ and policy of the future operations of the U.S. In addition to the general
 “ Convention of the members' delegates of the U.S., arrangements will be made
 “ for a Convention of the military officers of the U.S., which it is hoped
 “ will perfect an organised system of all the Irish military organisation in
 “ America.”

That is preparatory to the holding of this Chicago Convention. It was a Convention that was held in August 1886 at Chicago. I need only mention to you that date to remind you that at that time political affairs in this country had created an entirely new state of things compared with what had existed in 1884 and 1885. And the circular that I have just read shows that even the Nationalists were disposed to accept what they termed an instalment, or to arrive at a standpoint on which they may base future operations. And therefore it became important not only for the immediate action of political parties, but in relation, it may be, to some broad policy, it became most important that there should be no expression of opinion at this coming Convention in February of physical force. My Lord, I feel almost rendered silent, so anxious am I to avoid mere political matter. I scarcely deem it necessary to point out to you how necessary that was in relation to affairs taking place in this country. Therefore you can well understand now that the American movement had passed into the Clann-na-Gael hands, by virtue of their president and committee, so elected those who would be quick to know the effect of any expression in favour of physical force upon parties in this country. They were determined to do all they could not to stop physical action not by virtue of its being wrong in principle, but to stop merely the expression of it at this Convention, lest it should be said of them, you are supporting physical force. And therefore tracing the events of this Convention, you will see what steps were taken in order to effect that object.

My Lord to justify what I have said will you let me refer you to the circulars at pages 2037 and 2637. Just at page 2636, the circular of December the 23rd, says :—

“ We have been prevented from doing this ”

this is giving a *résumé*—

“ for sometime past, owing to the fact that any information immediately following
 “ the important operations down to and immediately preceding the threatened
 “ war with Russia would most likely, through leaks not easy to stop or control,
 “ furnish clues that would not only endanger the lives and secrets of the operators,
 “ but would certainly prevent the successful operation of similar operations
 “ hereafter.”

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That, my Lord, of course must be secret dynamite. Then the next page, if you will allow me to turn to it, says :—

“The operations, so far conducted, have compelled the enemy to recognise the constitutional party, and we are now in a fair way to reap the benefits and results of the heroic work of the members of the U.S. The work of organisation is being pushed in every possible direction, but we call the attention of the U.S. to the importance of organising new camps in every town and city in their vicinity.”

Then speaking of the new camps it proceeds—

“We expect to resume active operations after the present exigencies of the constitutional party are passed.”

My Lord, these men have been pressed into inactivity, their words have been hushed by silence, but it has been in order to meet the policy of the exigencies of the Constitutional party, and for this purpose only :—

“We expect to resume active operations after the present exigencies of the Constitutional Party are passed. We have purposely and advisedly abstained from doing anything likely to embarrass them during the crisis of the elections.”

Your Lordship will recollect the general election terminated in November, and this is written on December 23rd, 1885 :—

“It is to be hoped that during these operations members will abstain from making inquiries or discussing the subject in any manner, for we cannot say when we undertake to answer members but that at the same time we are answering the inquiries of our enemy, furnishing important information, and giving important clues to detect and suppress our work. The mystery of an unknown power striking in the dark, always able to evade detection, is far more terrible than the damage inflicted. We caution you, therefore, above all things, to be silent, but if compelled to speak, disavow all knowledge, or better still, mislead all inquiries. In the meantime we wish to impress on you the necessity of mutual forbearance and faith.”

My Lord, I will say nothing as to that circular, it speaks for itself. Before the meeting of this Chicago Convention lest it should be thought that I had not noticed it. I would make a reference to that which was in my view is comparatively unimportant, and that is a meeting which took place at Pittsburg a week before the Chicago Convention. Before I do that, in passing will you let me notice that the summons that is given for the Convention at page 2640 under July 20th, 1886.

“You are hereby notified that the triangle deem it essential that there shall be a large attendance of members of the U.S. as delegates at the coming Convention of the Irish National League of America to be held at Chicago on the 18th August so that there shall be no surrender of national principles in the declarations of that body. Every branch of the League in your vicinity should be represented by a member of the U.S.”

the old Clan-na-Gael, now we see the moving spirits in the next.

“July 24th, 1886. The senior guardian of each camp is most urgently requested to secure proxies for all branches of the National League in his vicinity that cannot send a delegate to the coming Convention of the League at Chicago and immediately forward said proxy or proxies to Patrick Egan, Esquire, Lincoln, Nebraska.”

My Lord, the mention that I wish to make of the meeting at Pittsburg you will find at page 2643, at question 44,649; it comes with the I. N. B.; that means, my Lord, we had it explained, the Irish National Brotherhood :—

“The week preceding the open Convention the National Convention of the U.S. met in Pittsburg, Pennsylvania. A report of the proceedings I present. In accordance with the election at the district convention which you have just

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“ now mentioned, at which were elected from my district, Father Mr. J. Dawney
 “ and Timothy Crane as delegetes from that district. They there changed the
 “ constitution, changed the name, and continued as an organisation with a new
 “ constitution and ritual known as the I. N. B. in future.”

My Lord, in making that statement which I think you will find established to a great extent by Mr. Davitt's evidence, there were at this Convention three meetings to be dealt with, first, what is termed the Ogden Grove meeting; then there was the Convention itself, which is the second; and then there is the third, which is called the Battery D meeting, you will find some evidence of Mr. Davitt's bearing on this subject at page 5614. I will endeavour to summarise it, and it is possible that I may have not correctly represented Mr. Davitt's views, if I have not I ask for correction. Mr. Davitt attended at the Chicago Convention generally, not sent directly by Mr. Parnell, but that he did attend for the purpose of holding Mr. Parnell's policy. That is at the page I have mentioned. Then we have also attending this meeting two other members of Parliament, namely, Mr. William O'Brien and Mr. John Redmond.

(*Mr. Justice A. L. Smith.*) I think Mr. Deasy was there also, was he not?

(*Sir H. James.*) My Lord, I have not treated him as taking an active part. I am obliged to your Lordship. I think the reason was that he came over with Mr. O'Brien—he accompanied Mr. O'Brien. I will tell your Lordship the point that I am [suggesting in relation to this Convention is that the Clan-na-Gael was enabled to maintain its authority, remained paramount—that the object of that Convention was shown to collect money for the Parliamentary fund, and that there was no declaration against dynamite. Mr. Davitt has stated that his intention was to oppose dynamite. You now knowing the views of the dynamiters, namely that they should suspend operations, I wish if it may be explanatory what I think took place to say that I have no doubt what was the policy of those who like Mr. Davitt were representing the movement in this country, to prevent any expression of opinion in favour of dynamite; that is the extent to which the opposition would naturally go, that was the extent to which their opposition did go, and the reason was that if the thing was known in the nature of things there would be no contradiction given to it. With this later circumstance in view, you will recollect no such reference has been made to the speech of Mr. Finnerty. I am not going to read these speeches at length, I will tell your Lordship. Mr. Finnerty was an independent member. In every party at least in most parties there are such persons. I have no doubt that in the Home Rule agitation they would call Mr. Davitt an independent member. Mr. Finnerty seems to have placed himself in the position of opposing Alexander Sullivan, and I have no doubt Mr. Finnerty did express himself in opposition to Mr. Alexander Sullivan.

At this Convention we have the speeches here set out in Mr. Davitt's evidence, at pages 5725 and 5727. We have the speeches both of Mr. Finnerty, Mr. Alexander Sullivan, and of Mr. Davitt. I will only refer to the one passage in the speech of Mr. Davitt. He says he found no fault with Mr. Finnerty or with Mr. Sullivan for the sentiments they expressed, and says:—

“ I am not going to pass judgment on any Irishman. Judgment has very
 “ often been passed upon myself with very unpleasant consequences. We in
 “ Ireland must face the enemy and fight the battle of our country. We are the
 “ men in the gap. We have to run all the risk. We have to take the con-
 “ sequences, provided we make a false step. Therefore we are the men, I think,
 “ who have the right to say in what way we, the people of Ireland, shall work
 “ out the regeneration of our country. There is little account taken here in
 “ America of the terrible odds against which we have to contend at home. Don't
 “ you think the policy which has brought so much about is the wisest policy for
 “ us to pursue?”

And so, my Lords, Mr. Davitt proceeds. I have read, I think, a fair statement of his views—that he was anxious that there should be no expression of more open physical action, and that he was meeting Mr. Finnerty's view, which was for a more immediate declaration of actual service.

Then it appears that Mr. Alexander Sullivan says that:—

“ Michael Davitt agreed with him that dynamitards existed, and that England
 “ could remove them only by removing English politics from Ireland.”

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That is said in Mr. Davitt's presence :—

“ But God had not given to the Irish race the benignity and gentle heart of Davitt. While he hoped for a peaceful ending to the present troubles, he had little faith in any remedy which might be conceived in an English Parliament, but the Irish people were ready to give it a trial. Davitt was not a stranger in this country, but he was not perhaps fully aware that if the support of the Irish Nationalists, in this country was withdrawn from Ireland, the movement in that country would be like an eel.”

And this is his expression :—

“ Without a vertebræ. In conclusion, John F. Finerty was introduced to present a motion to show the resolve of the Irish people not to disunite, and also the great respect held for Mr. Davitt. He moved a vote of thanks to Mr. Davitt for his presence at this demonstration.”

My Lords, I do not gather that so far there was any outbreak between Mr. Davitt on the one hand, representing the policy of silence, and by Mr. Finerty on the other, who was pursuing a more active policy. I will only notice that up to this point we do not find Mr. Patrick Ford taking a conspicuous part at this Convention. Mr. O'Brien, at page 6747, says :—

“ Mr. Ford did not form one of our escort, but he came in the same train with us.”

Now, my Lords, I pass on to a matter that occurs the night before the Convention took place. There is what is termed a Privy Council meeting, and this, my Lords, is the account that is given first in the “Irish World.” It appears at page 5723 :—

“ The night before the Convention there was a Privy Council consisting of Mr. Michael Davitt Mr. William O'Brien, and Mr. John Redmond ”

so far Mr. Deasy did not play a prominent part in this,

“ Mr. Patrick Egan, Mr. Alexander Sullivan, and myself.”

Will your Lordships note we are told that this great Convention represented the humane section of the Irish Nationalists men who were free from crime, and that they were moderate men, and that they had nothing to do with the Clan-na-Gael, or the remnant of the Clan-na-Gael, of whom my friend Sir Charles Russell spoke. Why, my Lords, when the representatives of Ireland had to meet men who were to settle as they would think best, the destinies of their country who had they to meet? Patrick Egan, who has never been seen in Ireland since February 1883, leading now, or taking a leading part in the Clan-na-Gael; Alexander Sullivan, openly preaching assassination and the destruction of property, head of the Clan-na-Gael, President of the Clan-na-Gael, “and myself Patrick Ford.” We have read what we have read of him. And these are the Privy Councillors who were to meet Michael Davitt, Mr. O'Brien, and Mr. Redmond.

“ What passed at this meeting ?” says Mr. Ford, “ I do not feel at liberty to state. Everyone expressed his mind freely, and all were in thorough accord at the conclusion.”

My Lords, the free expression of the minds of Alexander Sullivan, Patrick Ford, and Patrick Egan must have fallen strangely on the ears—(I hope it did)—of Mr. Davitt and the other representatives from Ireland. At that meeting above referred to, it was decided that in conjunction with Mr. O'Brien, I was to have to do—that is Patrick Ford—“ with the framing of the resolutions.” And so, my Lords, in that—virtually at least—Convention we have to deal with, we find the resolutions, so far as that statement is concerned, were to be framed by Mr. Patrick Ford. My Lords, Mr. Davitt, I think, at one part of his evidence, says that was not the case. At page 6724 the question is asked, and I will read you what he says there, if you will allow me :—

“ Was it not decided at that meeting that you, Ford, and O'Brien should act in the framing of the resolutions ?—(A.) I certainly have no recollection.”

of anything of the kind taking place.

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My Lords, there is another account given by Mr. Davitt. I think the only observation I ought to make upon it is that his memory does not seem to be probably quite certain upon that point, because at page 5754, he says this,—I do not put it so high for a moment that there is no contradiction, he says, on that very matter:—

“ I have no doubt that on that occasion the Convention was discussed in all its possible phases, but certainly the meeting had nothing whatever to do with the resolutions which were subsequently suggested by me to the committee, and adopted by the Convention unanimously.”

Therefore, whether it be that the resolutions were drawn by one hand or by another, I think the result is that the whole position was discussed in all its phases.

Now, my Lords, what was that position? There would be command, and perfect command, in that body that was about to meet by the Clan-na-Gael members of all the business that was to be effected, and you will find now what does take place. You will find this meeting taking place on the 18th and 19th of June. It is called to order by Patrick Egan, who was then President of the League. The temporary officers are then selected. It is then moved, on the second day, that the temporary organisation should be permanent; and Mr. Fitzgerald, the person whom we have called Judge Fitzgerald, suggests:—

“ Let us hear one another out on every *proper* subject that may come up for discussion. We may have our own different views on many subjects, but let us be men, and be reasonable and moderate and considerate.”

Then resolutions, which Mr. Davitt says he practically suggested and drafted, are then submitted. My Lords, those are very careful, of course, to express nothing about dynamite. They say:—

“ That we express our heartiest and most unqualified approval of national self-government for Ireland.”

(*The President.*) Where shall we find this evidence?

(*Sir H. James.*) That is given in part in Mr. Davitt's evidence at page 1615, and Mr. Davitt also referred to them, and they are set out in full in Mr. Davitt's speech. Then there is a paragraph which we can understand now:—

“ I desire to say to the Convention that the committee, composed of a very large number, as you are aware, have very carefully gone over the questions covered by these resolutions. There was of course in the committee some difference as to the words which should be used to express the ideas herein conveyed.”

And then it concludes:—

“ And it is a matter of congratulation to us that the Parliamentary party are preserving order in Ireland, and it is only when they are interfered with a little by the foreign garrison, that there is the slightest evidence of disorder from one end to the other.”

My Lords, the resolutions are moved, and Mr. Finerty appears again with independent action and asks that they should be discussed separately, which would of course have given rise to a discussion upon each of them. The speaker, a Clan-na-Gael man, whose name has been mentioned to you opposes thus—he makes a singular speech. He says:—

“ I rise to say that I hope these resolutions will pass, but if there is to be any reading between the lines to the effect that we have got nothing to do all our lives, but constitutional agitation, I am against it.”

Here, my Lords, came a little note of dissent, and so, as usual, Mr. Aledander Sullivan appears on the scene, and he says:—

“ I beg to suggest, Mr. Chairman, that we are departing from the subject before us. I do not understand that Mr. Parnell, and the Irish Parliamentary party, or the Irish National League, either in England or America, are attempting to stifle the opinions, or to suppress the honest convictions of the

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“ Irish people. I do not understand that the adoption of these resolutions barter
 “ away any of the rights of Ireland. Nor is it the desire of the Irish people or
 “ their representatives on this platform that they should. We do not say that
 “ for ever this or that is to be the policy, nor are we asked to.”

My Lords, how that agrees with the Clan-na-Gael circular :—

“ But we are asked, in a spirit of forbearance, of self-sacrifice in the sup-
 “ pression of views which it would be dear to some of them to express, to yield
 “ the temptation of the moment, to yield the aspirations of the soul, and to
 “ suffer in another direction as we have suffered in the past that the men in the
 “ gap may be untrammelled.”

Then he uses also these words :—

“ I wish to say in reply to the suggestion that there was fear that there
 “ would be dissension here ; there was no such honest fear. Preachers of dissent
 “ whispered fear at Philadelphia, and there was no occasion for it ; they did so
 “ again at Boston, they did so again at Chicago, but the men in the front, the
 “ same men who, if it ever becomes necessary, are ready to bear arms did not,
 “ and do not fear, and there are enough good men in this Convention to strangle
 “ the fellows who have come here from the sewers and purlieus of politics to
 “ breed dissension.”

Then, my Lords, one man whose name has not been mentioned lately, appears on the scene, Mr. Devoy, of New York. He urged the adoption of the resolutions “ *in toto*,” which of course meant the Clan-na-Gael policy, although there was but one that he might discuss.

Mr. Davitt says :—

“ I think we are all of one mind with reference to what should be done with
 “ these resolutions, and I wish to make a suggestion in the interest of harmony,
 “ namely, that the resolutions be read once again to the Convention and then
 “ unanimously adopted.”

Then, my Lord, Mr. Finerty says :—

“ As the mover of the motion, I desire to show every respect and considera-
 “ tion to Mr. Davitt and the delegation from Ireland. I wish to say that his
 “ suggestion will be satisfactory to me. I say furthermore that speaking for
 “ myself individually, I will not oppose the resolutions, but individually I will
 “ not be bound by them.”

My Lord, Mr. Redmond makes a speech, and there might be a minute criticism made upon that speech if time afforded it to me, it is a long speech, your Lordship has it in the book, and I hope your Lordship will relieve me from reading it. One thing I wish to remark, that in this report you will recollect the receipts we had of the Parliamentary fund at a previous Convention, you will recollect the circular issued by the Clan-na-Gael, that every attempt should be set to work to collect Parliamentary funds. Will your Lordship note this, that at the date with which we are dealing, the receipts of the Parliamentary funds were 320,000 dollars your Lordship sees that that brings it to about 60,000*l*. 320,000 dollars disbursements sent to Mr. Parnell 314,000 dollars. Now, my Lord, we know where that money came from.

“ Mr. Patrick Egan handed in a cheque for 2000*l*. for Mr. Patrick Ford
 “ received through the ‘ Irish World . ’ ”

Then, my Lord, passing on to the affairs of the meeting Mr. Brennan, Clan-na-Gael of course, of Nebraska, proposed John Fitzgerald who is also Clan-na-Gael ; he is not the person we call Judge Fitzgerald, also of Nebraska, as President of the League, My Lord, there is opposition to this person but it was an opposition in favour of Mr. M'Caffrey. Again, as is always the case, Alexander Sullivan comes and has his way, he of course strongly supported the Clan-na-Gael man Fitzgerald, and he said “ he need not bother ” he, that is Fitzgerald :

“ Denying that he has entangling alliances.”

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[Continued.]

The objection was that Fitzgerald was in an entangled alliance with the constitutional party :—

“ He has only two or three alliances on earth which obligate him. They are
 “ with his family, his adopted country, and his native country. He has never
 “ been too good to join the humblest Irish organisation, and become a private
 “ in its ranks, and when a private he had the spirit of obedience to become a
 “ commander.”

And then, my Lord, with the support of Mr. Alexander Sullivan, Fitzgerald is elected by 730 delegates voting for him, and 242 against him. Then the election is unanimously carried. So now, my Lord, we get this Clan-na-Gael president, the nominee virtually of Alexander Sullivan, prevailing over this movement. It seems as I read it that Mr. Davitt there spoke. Then there comes a termination of all this great rupture, which Mr. Davitt says existed between him and Mr. Finerty, because Mr. Davitt concludes thus :—

“ Mr. Finerty and I have in the friendliest possible way crossed swords,
 “ and I don't know of an honester man or a more sincere friend of Ireland, either
 “ at home or in America than John Finerty. and I beg to
 “ thank Mr. Finerty and many more men in this Convention holding his views, for
 “ the great toleration, and the great forbearance shown me and my colleagues from
 “ Ireland.”

And so we have it that this Convention amicably gets rid of any question that may have caused dissention. The fears that there would be open declaration upon dynamite have been proved to be groundless, and though Mr. Davitt, desiring that silence should be obtained, had opposed Finerty, when his independence was shown, Finerty not having been at all unsuccessful, the concluding words, as I read them, of Mr. Davitt, towards the man whom I understand he conveyed to your Lordship, he condemned on account of his dynamite policy, were, that he knew no “ honester man or a more
 “ sincere friend of Ireland, either at home or in America, than John Finerty.” My Lord, there is further mention of this division between Mr. Finerty and Mr. Davitt, but it ends, I think, as I have mentioned, it ends with the interference of Mr. Alexander Sullivan, for he says :—

“ While my brother Finerty and the rest of us do not differ very much as to
 “ the promptness with which we would respond to a certain call, nevertheless let
 “ us all agree to make a sacrifice—which is sometimes more difficult to make than
 “ the heroic sacrifice of life—the sacrifice of self-suppression for the common
 “ cause.”

My Lord, this matter between Mr. Finerty and Mr. Davitt has only been rendered prominent by Mr. Davitt's speech. I think the real reading of what I have been mentioning to you shows Mr. Davitt was not there opposing Mr. Finerty's principles. What he was endeavouring to prevent was the expression of them.

Now comes the final working of this organisation. My Lord, as you know, the constitution requires that a committee of seven shall be appointed, and we find who they are, Patrick Egan, Hon. J. G. Donnelly, Dr. Edward Malone, (of whom I have nothing to say) Dr. Thomas O'Reilly, John F. Armstrong, W. J. Gleason, and Hon. J. Donovan, Massachusetts. Of those I have read, seven are Clan-na-Gael men.

Now, my Lord, will you allow me to note now that by the constitution there was to be a meeting annually appointed by the President. This last meeting was in 1886, and I do not find record of any meeting held afterwards, I may be wrong in not having traced it, but I do not find there was any convention of this National Organisation. Mr. Davitt is good enough to agree with me. So you see even a person placed in Mr. Egan's position becomes unconstitutional. This meeting of 1886 ought to have found its anniversary in 1887 and 1888, and Mr. Egan is president, and he has got his Clan-na-Gael committee, and public opinion is sensitive in England and Ireland. Perhaps your Lordship will say you do not object to my statement. I cannot give you any further tracing of this movement, and I cannot proceed to show you what meetings were held. There is, however, one meeting not of the Convention, which is in one sense a sad meeting. It is a meeting of the Clan-na-Gael that takes place in 1888, and it tells the tale of the proceedings of this

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body. It tells your Lordship of two sad cases being considered by this body. My Lord, I have it on my note (I hope I am right), that Mr. Egan was present at this meeting. We have two subjects discussed. One is the fate of Lomasney, the man who perished under London Bridge. The case of Mr. Lomasney is that at page 29. It is in evidence by Le Caron. It is the proceedings of the joint Convention of the I.N.B. and the U.B. (they seem to have settled their differences, in Chicago in 1888. We have this statement. It is on the proceedings at page 2609. We have this at page 29 :—

“ The case of Lomasney, whose two sons were sacrificed in the cause of
 “ was brought to the attention of the Convention, and it was
 “ ordered unanimously that the executive body be instructed to look after the
 “ welfare of the family.”

Then we have on the next page, 30—

“ Brother Delaney offered a motion requesting the executive body to be
 “ elected to use all means in its power to secure the release of Dr. Gallagher and
 “ others now suffering in British prisons, and gave an extended explanation of the
 “ steps taken for his release and the cause of his arrest and suffering.”

My Lord, I am happy to say I have now brought these detailed observations in respect to the American organisation to an end. I submit to you that I have established that organisation has passed into the hands of the Clan-na-Gael, of persons who are Clan-na-Gael men and who were supporting a policy of dynamite. There is the source from which, too, my Lord, I regret to have to suggest to you, comes something that adds to the vitality of Parliamentary action in this country. Your Lordships will note that I read a statement of the amount of money that had been collected as expressed at this last Convention, which amounted to a sum of upwards of 60,000*l.* for the Parliamentary fund. I could, if necessary, trace much of this through the evidence which has been given before you, but I am not about to do so with the knowledge that we have, first, from that general statement, confirmed, if your Lordship should think it necessary to refer to it by some of the accounts which are given, because I have this fact before me. We have had statements made, not very explicit, or so explicit as I should wish, as to some dealings with this Parliamentary fund. My Lord, I will take credit for doing that which I think ought only to have been done, that is, not unduly to interfere with men's private affairs. There was a suggestion made that the disposal of this Parliamentary fund should not be traced through the different rivulets of its dissemination, and one should not ask into whose hands particular sums had got. If that inquiry had been made we should, it may be, have been entering into the most private affairs of individual Members of Parliament. Therefore there was acquiescence in the suggestion that that bank account, which would disclose in whose favour these payments had been made and to whose hands they had gone, should be produced without the names of the recipients (that is the names of the persons in whose favour cheques had been drawn), being disclosed. But, my Lord, whilst the disclosure of the names has been purposely withheld, and desired to be withheld, by those who I hope have had no wish to interfere with men's private affairs, the general result remains as shown by the book, the copy of which is taken to be in evidence. That book represents the banking account without any name being shown, but merely asterisks being given where the names would occur.

(*The President.*) How is that book to be identified. I do not remember that.

(*Sir H. James.*) It is the banking book.

(*The President.*) The actual book which you have there.

(*Sir H. James.*) This actual book is handed to me as a copy. I accepted it on my learned friend's statement as a book we accepted. They kept the pass book. This was handed by my friend, Mr. Reid, to me in pursuance of an arrangement made in Court.

(*The President.*) Is it the result of an arrangement made between you and Mr. Reid.

(*Sir H. James.*) Yes.

(*The President.*) Then you will perhaps hand that copy in.

(*Sir H. James.*) Certainly. It is here for reference, but I am entitled to state, and I think I ought to state, whilst holding as strongly as I can to the arrangement that was made that no names should be mentioned, the general result is that out of that large

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[Continued.]

fund, of which proof has been found in the accounts of the Convention, in the year 1886, 7,556*l.* was paid to Members of Parliament of the Irish Party and in the year 1887, 10,500*l.* was also paid. I do not wish to say one word; in fact, I have nothing to say about members receiving payment. Many men of the highest honour have so done. I am not entering for one moment into the discussion as to the exigencies of a party or of men. The point I wish to make clear is one in support of a proposition I made to you that the money which has found its way now in the manner that I have mentioned as a Parliamentary Fund to this country, comes by virtue of the canvassing and exertions of the Clan-na-Gael men through their Camps, and passing either through the hands of Patrick Ford to the treasurer or to the person named by the National organisation, which is a Clan-na-Gael organisation, it reaches this country and reaches the recipients, who now, although not named, are the Members of Parliament belonging to the Irish Party.

My Lord, I have now to make answer to a challenge that my learned friend, Sir Charles Russell, made to me, a challenge that found its echo in a very expressive manner in the speech of Mr. Davitt, and which affects one general subject. Both my learned friend and Mr. Davitt said: What right have you to say that there is any alliance between the constitutional friends of Mr. Parnell and these men whom you have termed extreme Nationalists and physical force men? My Lords, I was asked for date, and time, and place when this contract was made. Why, my Lord, no one ever thought that such contracts as these would be made with date and locality attaching to them. The circular I have read from those who knew best how to act within that alliance has told your Lordship that it would be fatal if such an arrangement had been made openly. My Lord, it is an alliance not under seal. It is an alliance resulting from sympathy from joint action, from support given by one party to the other; and if, my Lord, I was asked to say when this took place I should say that you may find it, commencing when Mr. Davitt on one day could say all the Nationalists had come into his movement, and the next day say that Mr. Parnell and consented to join him.

My Lord, I should say too, that you would find it, when all the principal officers of the Land League belonged to the physical force party; when you had your secretaries, your organisers, Fenians, there was an alliance. There was an alliance, too, when Mr. Davitt, representing the Constitutional party, found free entrance into the meetings of the Clan-na-Gael. There was an alliance, too, when Mr. Thomas O'Connor could tell you that he was willing to receive the sympathy and the support of every member of the Clan-na-Gael. There was alliance proved and established when Mr. Parnell could let, if not bid, his organs show sympathy with the actions of physical force men, even if their action amounted to murder. And, my Lord, there is sympathy, and not an unpractical sympathy, shown when from the members of the Clan-na-Gael camps the representatives of Irish constituencies are receiving the money to which I have referred. I submit to you that that alliance has been absolutely and completely proved. I turn from America, where we have left the policy of dynamite in suspense; we have left men, prudent on their own behalfs, maintaining silence and secrecy for the time, but with a promise that the dynamite policy shall again come into existence.

My Lord, we turn for a moment, and for a moment only, from the condition in which we have left these affairs in America to the condition of Ireland. I am not about to enter upon any minute dissection of the condition of Ireland as we left it when last I directed your attention to it; nor am I about to enter into any minute dissection of the cases that still exist; but may I point out to you that during some period of time, exactly during that period of time when the Crimes Act had operation in Ireland, from the summer of 1882 till a period of 1885, which cannot be defined exactly, for the Act ran with the termination of the Session of Parliament, you had, and you found, a comparative decrease of crime. After that Act ceased to exist, if you will turn to those tables that are before you, you will find that there recurs again increase of crime. But yet it may be that in this later time crime has again been happily on the decrease. My Lord, why is that? It is with regret one turns to the causes, and now again, to trace proof—if not of alliance—at least of identity of action, you can prove that in America, so in Ireland, it is thought politic that outrages for the moment shall be suspended.

My Lords, if in calling your attention to the sad condition of Ireland I had no other material, I could refer to two cases which I say bring shame and disgrace

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[Continued.]

upon the Irish people. Can anyone picture sadder evidence of what 10 years have effected upon the Irish character than to see the way in which those hopeless women, the Curtins, those hopeless women, the Fitzmaurices, have been dealt with and have been treated? I am not about to enter now into detail of either of those cases. You will recollect what the case told you by one of the Miss Curtins was. Her father was a respected man. He had paid his rent. He was appealed to for arms and he refused. Then he was shot down and murdered, and then in self-defence he had shot a man. Now, you find, in effect, honour given to the men who killed him; and not only execration heaped upon the memory of that man, but persecution following his daughters, unprotected women, because they were his daughters. My Lord, I will say nothing as to the conduct of the parish priest who ceased even to comfort, because he thought the manner that was used to him was objectionable. Let all these things go; and I will not note the conduct of the Land League in that district so far as we can trace it. I refer to this case especially to show what was the action of those who are responsible for this crime; the action of those whose conduct has created it. See what their policy is even now in relation to crime. My Lord, there was one member of Parliament against whom something has been said and who has not been in this witness-box. I mean, Mr. J. D. Sheehan, who really discloses the whole policy under which Ireland exists at this moment. He is alarmed by the conduct of men who are attacking even the Curtins in their house of worship and breaking down the pew in which these ladies sat; and he was alarmed, not because this thing was wrong, but because it might do a political party injury, and he writes therefore on the 26th January 1886, this letter. It is addressed, if I recollect rightly, to Father O'Connor.

“At this important juncture in our history I am sorry to see the reports of the Furies display. Nothing that has taken place yet in the south of Ireland has done so much harm to the National cause. If they persist they will ruin us. To-morrow evening will be the most important in Parliamentary history. Our party expect the defeat of the Government and resumption of power by Mr. Gladstone. If we succeed in this (which we are confident of doing) the future of our country will be great; and although an appeal to the constituencies must be made, the Irish Party in these few days have made an impression in the future that no Government can withstand. The Salisbury Government want to appeal to the country on the integrity of the Empire, and of course for the past few days have tried all means to lead to this by raking up the Curtin case and all judicial cases, which must be avoided for a short time, as our ‘Stoppage to Eviction Act’ will cover all this.”

That is to say, avoided for a short time till the exigencies of party would allow the crime again to break out.

Now, my Lords, I have instance after instance where the policy which controls the dynamiters in America is also controlling the men who in former times had no words to utter against outrage but who are now for policy's sake saying, “Stay your hand.” I will give your Lordship only one example of it. Here is a speech by a person named Lahiff who, supporting a resolution (p. 6160):

“referred to the fact that they at that board had always been condemning outrages, outrages committed in the name of Irish landlordism, though sanctioned by the law. For the first time they found themselves condemning an outrage of this kind.”

And if your Lordship looks at the date of that, which was a date when all these things were before the world—it is the 29th December 1885—the inference I draw from this is, that the policy of the men who make it their boast that they have ruled Ireland, and ruled Ireland substantially for 10 years, has brought that country, so far as its natural character could affect its destinies, into a state of sad and bitter degradation.

My Lords, long as I have occupied your attention, and poorly may be as the thread of my tale has been woven, yet I hope I have placed before you now, in some sort of sequence, a history of ten years, a sad history to belong to any people. It has been a history full of crime, springing from hasty assumption of power by men who have

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[Continued.]

inaptly used it. My Lords, I say it is a period of shame, and sad shame, and it is a period that surely Irishmen—patriotic Irishmen—must now be, and ever will be, bitterly regretting.

Ireland has had dark and bitter days in her past. There are times when her brave men have fought in the open field, have fallen and have failed. Her statesmen, her eloquent statesmen, have been silent in their sadness as in the days, when, we are told:—

“Grattan and Charlemonte wept with her sorrow.”

But I know not that ever till now Irishmen have had cause to be ashamed of the history of their country.

My Lords, it is said that happy is the country that has no history. So it may be, and this I know, if men doubt the application of that trite statement to Ireland, that happy would it have been for a people, happy would it have been for those who acted, and for those who suffered, if the events of the last 10 years could be blotted out. No human hand can do so. The annihilation of events is impossible, and all that remains to do is, that faithful record shall be made of the acts of that time.

Such will be your duty. It may be—it doubtless will be—that all who have taken part in this inquiry, from you, my Lords, to the humblest officer of this Court, will receive some condemnation, some attack and some obloquy. But let that pass. The result will repay; for the truth being told, it must be that a people, stirred by an awakened conscience, will be aroused from the dreams of a long night, and when awake they will despise their dreams; they will seek new modes of action, with true men to guide them, and then it will be—God grant it may be—that blessings will be poured on a happy and a contented people.

(*The President.*) I wish to say a few words. Several applications have been made to us by persons who thought that they were in a position to offer useful information to the Commission. We announced at the commencement of this inquiry that we proposed to conduct it on the principles prevailing in ordinary judicial proceedings. One of those is to leave it to the parties interested to bring forward on the one side and on the other such evidence as they may desire to present to the Court, unless under exceptional circumstances. No exceptional circumstances have presented themselves in our judgment, and we therefore do not propose to call any evidence on our own motion.

And now I have to congratulate the counsel who are still before us on the completion of their arduous task, and to thank them and those others to whom such thanks are due for the untiring industry and the conspicuous ability which they have placed at our service, and for the great assistance we have derived from their labours. Our labours, however, are not concluded. We must bear our burden yet a little longer. But one hope supports us. Conscious that throughout this great inquest we have sought only the truth, we trust that we shall be guided to find it and set it forth plainly in the sight of all men.

Points

Father Donovans Evidence

The agrarian crime figures put
for 1879-80-81-82.

000 as odd

6,010 of these threatening letters
———— (Charles's Report)

Caron's alleged conversation with
Mr. Egan in Boston in 1884

James ~~and~~ endeavouring to prove
his conversation genuine because some
incidents which occurred in
connection with Egan's departure
from Dublin were mentioned in
the Caron story

Every one of these incidents — the
illness of Mrs. Egan, the house being
watched & the Railway journey to Belfast
were published years ago in the newspapers.

But this is on test of the Caron story:
the said Egan told him there was a
warrant out for his apprehension!

Where is that warrant? Has it been proved?

if issued it must be in existence. If
~~it is in existence~~ it never was issued
Egan could not talk about it. And
when Le Caron makes him talk what
never occurred, we are able to estimate
Le Caron's veracity

James has taunted us with not
producing witnesses

Inspector Mallon of Dublin, the officer who
brought the Invisibles to justice, was here in
Court for months on Subpoena
from the Times.

Why was he not produced to swear that
Egan or Brennan were Invisibles?

— Why was Jackson not produced?

Delaney's Evidence against Egan

He swore to the forged letters

"What he heard Byrne say" —
trotted out as evidence against Egan

And now we have this miserable man
crying for Prison for a reward of
his services here & elsewhere

Pamellina & Crime declares that the
Manifesto of 7th May 1882 was an
insincere act.

James declares his belief it was sincere

His reference to Capt. O'Shea's alleged
efforts to obtain my release
contrasted with my attack upon
O'Shea.

mes
hurting the Fenian Coder story
of Parnellism & Crime

putting the direct charges made
against persons charged

that they deliberately planned &
by applied assassination in order
obtain their ends.

that Mr Biggs used to give
sums of £20 & £30 for the
commission of outrage.

did not a word either to
support the charge or apologise
for having made it that we
are all directly implicated
in the Phoenix Park Murders.

mes treatment of that part of Case
by the legal profession.

instead of saying one word of apology
the accusations which are now
known to be untrue; he likened
Parnell to Catherine and
called upon future history to
truthfully depict in its blackest
colours the man who confessed
that he once deceived the
British House of Commons

The evidence of the Informers Coler
Buckley, Igo and Tobin

—All confessed outrage mongers and
as having received money from the police

If the parties they named as having committed
crime, did commit such deeds; why
they not prosecuted by the police in
whose pay these informers were?

We could not compel men to come forward
who believed this Commission to be

The two incidents of the Coffins
being refused to the families of
murdered bailiffs.

Read Six times in this inquiry -
each occasion they were declared
be "instances" only of what occurred,
but they are happily the only instances
or we would have had more of them

Eight or ten Curates speeches partly
quoted from, evidence that the two
thousand or more Curates in Ireland
made similar speeches

I.A.S. reuses within over
20 years ago!

End with Lady Conendish & Miss
Burke connections

Rough draft only

Private and Confidential.

SPECIAL COMMISSION, 1888.

Proceedings on Sept. 17, Oct. 22, 23, 24, 25, 26, 30, 31, Nov. 1, 6, 7, 8, 9, 13, 14, 16, 20, 21, 22, 23, 27, 28, 29, 30, Dec. 4, 5, 6, 7, 11, 12, 13, 14, Jan. 15, 16, 17, 18, 22, 23, 24, 25, 29, 30, 31, Feb. 1, 5, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 22, 26, 27, Mar. 1, 5, 6, 7, 12, 13, April 2, 3, 4, 9, 10, 11, 12, 30, May 1, 2, 3, 7, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 24, 28, 29, 30, 31, June 18, 19, 20, 21, 25, 26, 27, 28, July 2, 3, 4, 5, 9, 10, 11, 12, 16, 17, 18, 23, 24, 25.

I N D E X.

ABBREVIATIONS :

A.G. means Attorney-General.
A.-G. S. „ Attorney-General's Speech.
J. „ Sir Henry James.
P. M. „ Preliminary Meeting.
R. „ Sir Charles Russell.

A		
ABBEY	Land League meeting at, Feb. 1887	Lewis, p. 512. Donohoe, 773.
ABBEYDORNEY	Land League Meeting at League books produced	Conway, p. 836. D. F. O'Connor, p. 5144.
ABBEY-KNOCKMOY	Speech of Gordon at, Oct. 30, 1880 O'Malley's evidence about meeting at, Oct. 3, 1880 Gordon's speech at Nally's speech at Meeting at, Oct. 3, 1880 Speech of Gordon at Speech of Hanly at Meeting at, Oct. 3, 1880	A.-G. S., p. 71. p. 346-351. J., p. 347. J., p. 350. J., p. 457. J., p. 457. J., p. 461. J., p. 2187.
ABERTON, MICHAEL	Tells Donohoe to go to the Land League Meeting at Abbey	Donohoe, p. 773
ACHILL ISLAND	Destitution at	Ives, p. 572.
ADAMS, WM.	Examined by Mr. Harrington Produces Tullamore National League Books Produces photograph of M'Closkey, <i>alias</i> Thompson Cross-examined by Sir H. James	p. 5929-5931. p. 5929. p. 5931. p. 5931-5934.
ADDARAVAL	Outrage at	J., p. 1150.
AGHAN COIT	Ives visited it	Ives, p. 579.
AGNEW, CHAS.	Examined by Mr. Atkinson	p. 1179-1180.
AHABEG	Fitzmaurice lived at	N. Fitzmaurice, p. 944.
AHADDA	Land League branch at	Williams, p. 1392.
AHASCRAUGH	Speeches of Harris and Griffin at, Dec. 19, 1880 Irwin's evidence about meeting, at Dec. 19, 1880 Speech of Griffin and Harris at	A.-G. S., p. 73, 295. Irwin, p. 418. Murphy, p. 418.

ALLEN	-	-	Murdered Brett at Manchester	-	-	-	-	A.-G. S., p. 71.
ALMGLASS	-	-	Brown lives at	-	-	-	-	Brown, p. 1545.
AMERICA	-	-	Commission to, asked for	-	-	-	-	P. M., p. 25.
AMERICA (village)	-	-	Higgins lived there	-	-	-	-	Kerrigan, p. 590.
ANDERSON	-	-	Evicted	-	-	-	-	Brown, p. 1546.
ANDERSON, JOHN	-	-	Examined by Mr. Murphy	-	-	-	-	p. 3466.
			Cross-examined by Mr. Lockwood	-	-	-	-	p. 3466-3467.
			Cross-examined by Mr. Davitt	-	-	-	-	p. 3467.
			Re-examined by Attorney-General	-	-	-	-	p. 3467-3468.
			Report of	-	-	-	-	Anderson, p. 3467.
ANDERSON, ROBERT	-	-	Introduced to Le Caron	-	-	-	-	Le Caron, p. 2653.
ANDERSON, REV. R. O. N.	-	-	Examined by Mr. Harrington	-	-	-	-	p. 4883-4885.
			Cross-examined by Mr. Atkinson	-	-	-	-	p. 4885-4887.
			Re-examined by Mr. Reid	-	-	-	-	p. 4887-4888.
ANDREWS, HENTRY	-	-	Threatening notice	-	-	-	-	J., p. 1150.
ANGEL HOTEL	-	-	Centres meet at	-	-	-	-	Delaney, p. 1854.
ANNISCAUL	-	-	Kennedy lived at	-	-	-	-	Kennedy, p. 1180.
ARDFERT	-	-	Conway lived at	-	-	-	-	Conway, p. 835.
			Reports of National League meetings at	-	-	-	-	Gamble, p. 1668.
ARDNAGREEVA	-	-	P. Flaherty lived at	-	-	-	-	Flaherty, p. 742.
ARDRAHAN	-	-	Charlton stationed at	-	-	-	-	Charlton, p. 580.
ARDWAINIG	-	-	Cullinane lived at	-	-	-	-	Leonard, p. 962.
ARROWSMITH, JOHN	-	-	Took J. R. O'Sullivan's farm	-	-	-	-	Hegarty, p. 1311.
ASKEWITH	-	-	Report on examination of Parnell's letters	-	-	-	-	p. 6284.
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			Appears for Mr. Parnell	-	-	-	-	Russell, p. 36.
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BURKE, MICHAEL	-	-	Examined by Attorney-General Cross-examined by Sir C. Russell Cross-examined by Mr. Davitt Cross-examined by Mr. Harrington Re-examined by Attorney-General	-	-	-	p. 1454-1458. p. 1458-1473. p. 1473-1480. p. 1480-1481. p. 1482-1483.
BURKE, THOS. F.	-	-	Present at meeting to welcome Condon and Meledy	-	-	-	A.-G. S., p. 206.
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BURKE, WM.	-	-	On committee of Land League at Whitegate	-	-	-	Clancy, p. 670.
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BURNE, FRANCIS	-	-	Letter from Sexton	-	-	-	Soames, p. 2857.
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BYERS, JOHN	-	-	Murdered, Feb. 14, 1887	-	-	-	A.-G. S., p. 287.
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BYRNE, GARRETT M., M.P.	-	-	Examined by Mr. Russell Speech at Enniscorthy Cross-examined by Sir H. James	-	-	-	p. 5819. p. 5819. p. 5819-5820.
BYRNE, JOHN	-	-	Letter to McGough	-	-	-	Soames, p. 2875.
BYRNE, MRS.	-	-	Present at Manchester martyrs anniversary Brings over the knives	-	-	-	A.-G. S., p. 250. Delancy, p. 1860.
BYRNE, PATRICK	-	-	Carries a parcel of rifles from National League Rooms to Frank Byrne's house	-	-	-	Mulqueeny, p. 3594.
BYRNE, TOM	-	-	Evicted	-	-	-	p. 635.

C.

CAHILL, HONORA	-	-	House fired into	-	-	-	Huggins, p. 1045.
CAHILL, MICHAEL	-	-	Punished for outrage on Hoarty's house	-	-	-	Hoarty, p. 761.

CAHILL, THOMAS -	-	Examined by Sir H. James -	-	-	-	-	p. 1367-1368.
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CAHILL, PAT -	-	Murdered -	-	-	-	-	Huggins, p. 1046.
CAHIR -	-	Meeting at, Sept. 19, 1880 -	-	-	-	-	J., p. 2196.
CAHIRCIVEEN -	-	Destitution at -	-	-	-	-	Ives, p. 572.
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CAIRD, JAMES -	-	On Cowper Commission -	-	-	-	-	Leonard, p. 1007.
CALLAGHAN, J. -	-	Paid rent secretly -	-	-	-	-	Leonard, p. 966.
CALLAGHAN, JOHN -	-	House fired into -	-	-	-	-	A.-G. S., p. 271.
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CAMPBELL, HENRY, M.P. -	-	Letters signed by Parnell in his handwriting -	-	-	-	-	A.-G. S., p. 173, 174, 175.
		Letter to Kenny -	-	-	-	-	J., p. 2075.
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		Examined by Sir C. Russell -	-	-	-	-	pp. 3241-3244.
		Cross-examined by Attorney-General -	-	-	-	-	p. 3244.
CANAVAN, BARTHOLOMEW -	-	Examined by Mr. O'Connor -	-	-	-	-	p. 4397-4406.
		Evidence about Botteville -	-	-	-	-	Canavan, p. 4397.
		Cross-examined by Mr. Atkinson -	-	-	-	-	p. 4406-4409.
		Re-examined by Mr. O'Connor -	-	-	-	-	p. 4409-4410.
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CANE, MARTIN -	-	Walked in Burke's blood -	-	-	-	-	Charlton, p. 581.
CANLON, PAT. -	-	Windows broken -	-	-	-	-	Murphy, p. 791.
CANNING, REV. JOHN -	-	Encouraged the Land League -	-	-	-	-	Botherill, p. 609.
CANNOVAN, BARTHOLOMEW -	-	President of a Land League Branch -	-	-	-	-	Botherhill, p. 609.
CANNY, MICHAEL -	-	Letter to Hewson -	-	-	-	-	Hewson, p. 1916.
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CARBINE, PAT -	-	Gave up his farm -	-	-	-	-	Brown, p. 1546.
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CAREW, M.P. -	-	Owner of the "Leinster Leader" -	-	-	-	-	Tyrrell, p. 1970.
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CAREY, JAMES -	-	Molloy denies knowledge of -	-	-	-	-	Molloy, p. 1497.
		Phoenix Park murderer -	-	-	-	-	Molloy, p. 1508.
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CAREY, TOM -	-	Boycotted -	-	-	-	-	Slack, p. 2326.
CARKER -	-	Outrage at -	-	-	-	-	Huggins, p. 1030.
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CARMODY, JEREMIAH -	-	Cattle maimed -	-	-	-	-	Hussey, p. 1275, 1294.
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CARRIGAN	-	Outrage on	-	-	-	-	-	Hewson, p. 1919.
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CARROLL, DR. WM.	-	Present at New York Hotel conference	-	-	-	-	-	A.-G. S., p. 220.
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CARSEVEEN	-	Hickey lived at	-	-	-	-	-	Mary Hickey, p. 906.
CARTER	-	Denounced by Gordon at Claremorris Threatening notice	-	-	-	-	-	A.-G. S., p. 111. Criegh, p. 767.
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CARTER, GEO. S.	-	Shot, Mar. 1882	-	-	-	-	-	A.-G. S., p. 114.
		Examined by Mr. Atkinson	-	-	-	-	-	p. 1590-1592.
		Cross-examined by Sir C. Russell	-	-	-	-	-	p. 1593-1597.
		Cross-examined by Mr. Reid	-	-	-	-	-	p. 1597, 1598.
		Cross-examined by Mr. Lockwood	-	-	-	-	-	p. 1598, 1599.
		Cross-examined by Mr. Davitt	-	-	-	-	-	p. 1599.
		Cross-examined by Mr. Biggar	-	-	-	-	-	p. 1600.
		Re-examined by Sir H. James	-	-	-	-	-	p. 1600.
CARTER, J. C.	-	Examined by Mr. Atkinson	-	-	-	-	-	p. 1570-1572.
		Cross-examined by Sir C. Russell	-	-	-	-	-	p. 1572.
		Cross-examined by Mr. Biggar	-	-	-	-	-	p. 1572.
		Re-examined by Sir H. James	-	-	-	-	-	p. 1581.
CARTOON, PAT	-	Property burned	-	-	-	-	-	J., p. 1150.
CASEY	-	Tenant to Mrs. Staughton	-	-	-	-	-	Herbert, p. 861.
		Employed by Collotty	-	-	-	-	-	Collotty, p. 877.
		Arrested for murder of Curtin	-	-	-	-	-	Meehan, p. 935.
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		Letter to Leonard	-	-	-	-	-	Leonard, p. 988.
CASEY, J.	-	Accused of grabbing by Nally	-	-	-	-	-	A.-G. S., p. 71.
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CASEY, REV.	-	Speech at Knocknagoshill, Jan. 6, 1886	-	-	-	-	-	A.-G. S., p. 311.
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CASSELS, M.	-	Head injured	-	-	-	-	-	Murphy, p. 793.
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		Near Dingle	-	-	-	-	-	Crane, p. 1218.
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CAULFIELD, J.	-	Examined by Attorney-General	-	-	-	-	-	pp. 3403-3405.
		Cross-examined by Mr. Reid	-	-	-	-	-	pp. 3405-3407.
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CAVAN	-	Outrage at	-	J., p. 1149.
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CHICAGO CONVENTION	-	Held Aug. 1886. Present: Ford, Brennan, Devoy, Egan, Finerty, Rowe, Sullivan, Dr. Wallace, and Walsh	-	A.-G. S., p. 250.
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CLANEY, JAMES	-	Examined by Mr. Harrington	-	p. 4819-4820.
		Cross-examined by Sir H. James	-	p. 4820-4824.
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		Cross-examined by Mr. Reid	-	p. 1726, 1727.
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CLIFFORD, THOMAS -	Examined by Mr. Atkinson - - - - - Cross-examined by Mr. Lockwood - - - - - Re-examined by Sir H. James - - - - -	p. 864, 865. p. 866. p. 866, 867.
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		Cross-examined by Mr. Davitt	-	-	-	-	p. 3445-3449.
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		Re-examined by Attorney-General	-	-	-	-	p. 3454-3459.
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		Cross-examined by Sir C. Russell	-	-	-	-	p. 1573-1574.
		Cross-examined by Mr. Biggar	-	-	-	-	p. 1574.
		Cross-examined by Mr. Reid	-	-	-	-	p. 1574.
		Re-examined by Sir H. James	-	-	-	-	p. 1574.
COLEWOOD, GEORGE	-	Murdered, 1869	-	-	-	-	Slack, p. 2165.
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COLLINS, J.	-	Letter to A. O'Connor	-	-	-	-	Soames, p. 2867.
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COLLINS, WILLIAM	-	Visited by armed party	-	-	-	-	Davis, p. 1103.
COLLOTTY, JOHN	-	Examined by Mr. Atkinson	-	-	-	-	p. 871-875.
		Cross-examined by Sir C. Russell	-	-	-	-	p. 875-891.
		Cross-examined by Mr. Davitt	-	-	-	-	p. 881.
		Re-examined by Attorney-General	-	-	-	-	p. 881-882.
COLTON, GEO.	-	Letter to Digby	-	-	-	-	Digby, p. 1908.
COMANS, MRS.	-	Process served on	-	-	-	-	Huddy, p. 589.
"COMMERCIAL GAZETTE" (CINCINNATI)	-	Letter from Egan	-	-	-	-	J., p. 2219.
COMMINS, DR. A., M.P.	-	Examined by Mr. Reid	-	-	-	-	p. 5542.
		Cross-examined by Mr. Atkinson	-	-	-	-	p. 5542-5544.
COMMISSION	-	To America asked for, application postponed	-	-	-	-	P.M., p. 25.
CONALLEN, M.	-	Outrage on	-	-	-	-	Bell, p. 554.
CONCANNON, CONSTABLE	-	Wounded	-	-	-	-	Rice, p. 1250.
CONDON, CAPT. OMEGA	-	Murdered Constable Brett	-	-	-	-	A.-G. S., p. 202.
		Meeting to welcome, Sept. 24, 1878	-	-	-	-	A.-G. S., p. 206.
		Present at New York Hotel Conference	-	-	-	-	A.-G. S., p. 220.
CONDON, T. J., M.P.	-	Refused to supply Mitchell with meat	-	-	-	-	Mitchell, p. 2795.
		Examined by Mr. Russell	-	-	-	-	p. 5970-5971.
		Examined by Mr. Davitt	-	-	-	-	p. 5971.
		Denies truth of Mitchell's evidence	-	-	-	-	p. 5971.
		Cross-examined by Mr. Atkinson	-	-	-	-	p. 5971-5980.
		Re-examined by Mr. Lockwood	-	-	-	-	p. 5980-5982.
CONEEDEY	-	Evicted	-	-	-	-	Brady, p. 1777.
CONG	-	Meeting at, July 11, 1880	-	-	-	-	A.-G. S., p. 104.
		Destitution at	-	-	-	-	Ives, p. 572.
		Meeting at, July 11, 1880	-	-	-	-	J., p. 2186.
CONIGAR	-	Casey lived at	-	-	-	-	Leonard, p. 987.
CONNABOY, PAT	-	Present at meeting at Letterfrack	-	-	-	-	Mannion, p. 730.
CONNAIR, THOMAS	-	Examined by Mr. Murphy	-	-	-	-	p. 620-625.
		Cross-examined by Sir C. Russell	-	-	-	-	p. 625-627.
CONNAIRE	-	His house burnt down for paying his rent, Nov. 1881	-	-	-	-	A.-G. S., p. 81.
"CONNAUGHT TELEGRAPH."	-	Letter from Macaulay	-	-	-	-	Coleman, p. 3435.

CONNELL, DANIEL	-	Arrested	-	-	-	-	-	Huggins, p. 1069.
CONNELL, DAVID	-	Supplied with food during his imprisonment	-	-	-	-	-	Geelone, p. 2117.
CONNELL, ELLEN	-	Shot at	-	-	-	-	-	Davis, p. 1106.
CONNELL, HANNAH	-	Examined by Mr. Murphy	-	-	-	-	-	p. 1765-1766.
	-	Cross-examined by Mr. Lockwood	-	-	-	-	-	p. 1766-1767.
	-	Evidence about	-	-	-	-	-	Father White, p. 4539 <i>et seq.</i>
CONNELL, JAMES	-	Examined by Mr. Murphy	-	-	-	-	-	p. 1767-1768.
	-	Cross-examined by Mr. Lockwood	-	-	-	-	-	p. 1768-1771.
	-	Cross-examined by Mr. Reid	-	-	-	-	-	p. 1771-1772.
	-	Re-examined by Sir H. James	-	-	-	-	-	p. 1772.
	-	Evidence about	-	-	-	-	-	Killeen, p. 4814 <i>et seq.</i>
CONNELL, JOHN	-	Examined by Mr. Atkinson	-	-	-	-	-	p. 1575-1576.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 1576.
	-	Cross-examined by Mr. Davitt	-	-	-	-	-	p. 1577.
CONNELL, P. D.	-	Bill of	-	-	-	-	-	Farrigher, p. 2040.
CONNELLEY, MRS.	-	Boycotted	-	-	-	-	-	Murphy, p. 790.
CONNELL, MARY	-	Shot at	-	-	-	-	-	Davis, p. 1106.
CONNELL, MICHAEL	-	Threatening notice	-	-	-	-	-	Davis, 1105.
CONNELL, TIMOTHY	-	House fired into	-	-	-	-	-	Davis, p. 1104.
	-	Shot at	-	-	-	-	-	Davis, p. 1106, 1107.
CONNER, TIMOTHY	-	Shot, Mar. 10, 1882	-	-	-	-	-	A.-G. S., p. 99.
CONNOLLY, PAT	-	Leaves the employ of Birmingham	-	-	-	-	-	Birmingham, p. 824.
CONNOLLY, S.	-	Examined by Sir H. James	-	-	-	-	-	p. 2810.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 2810, 2811.
CONNOR	-	Convicted for attacking a protection post	-	-	-	-	-	Gilhooley, p. 1095.
CONNOR	-	A caretaker	-	-	-	-	-	Murphy, p. 1212.
CONNOR, BATT	-	Boycotted	-	-	-	-	-	Tobin, p. 2100.
CONNOR, F.	-	Examined by Mr. Atkinson	-	-	-	-	-	p. 2837, 2838.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 2838, 2839.
	-	Examined by Attorney-General	-	-	-	-	-	p. 3459-3462.
	-	Cross-examined by Mr. Reid	-	-	-	-	-	p. 3462-3464.
	-	Cross-examined by Mr. Davitt	-	-	-	-	-	p. 3464.
	-	Cross-examined by Mr. Lockwood	-	-	-	-	-	p. 3464-3465.
	-	Re-examined by Attorney-General	-	-	-	-	-	p. 3465.
CONNOR, GEORGE	-	Examined by Mr. Murphy	-	-	-	-	-	p. 3395.
CONNOR, JOHN	-	Murdered by Keogh, Ryan, and Fahy	-	-	-	-	-	Julia Connor, p. 508.
CONNOR, JOHN	-	Attends Land League meeting	-	-	-	-	-	Conway, p. 836.
	-	Examined by Mr. Atkinson	-	-	-	-	-	p. 894-886.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 896-897, 900.
	-	Cross-examined by Mr. Reid	-	-	-	-	-	p. 897.
	-	Cross-examined by Mr. Biggar	-	-	-	-	-	p. 897.
	-	Re-examined by Attorney-General	-	-	-	-	-	p. 887-899.
CONNOR, JOHN	-	Threatening notice	-	-	-	-	-	Davis, p. 1109.
CONNOR, J.	-	Injured	-	-	-	-	-	J., p. 1150.
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CONNORS, JAMES	-	Murdered, May 12, 1881	-	-	-	-	-	A.-G. S., p. 73.

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CONOLLY, J.	-	Examined by Attorney-General	-	-	-	-	p. 2823-2827.
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CONROY	-	Evicted	-	-	-	-	Murphy, p. 799.
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CULLENHAM	-	-	An informer	-	-	-	-	-	Starkie, p. 1373.
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CULLOTY	-	-	Shot, Apr. 1882	-	-	-	-	-	A.-G. S., p. 99.
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			Meeting at, Sept. 11, 1881	-	-	-	-	-	J., p. 2198.
CURTIN	-	-	Spoke at Knocknabul, June 6, 1881	-	-	-	-	-	A.-G. S., p. 93.
				-	-	-	-	-	J., p. 368.
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			Evidence about	-	-	-	-	-	Father P. O'Connor, p. 5268.
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			Cross-examined by Sir C. Russell	-	-	-	-	-	p. 933, 934.
			Cross-examined by Mr. Lockwood	-	-	-	-	-	p. 934.
			Re-examined by Sir H. James	-	-	-	-	-	p. 934.
CURTIN, GEO.	-	-	Examined by Attorney-General	-	-	-	-	-	p. 1205.
			Cross-examined by Sir C. Russell	-	-	-	-	-	p. 1205-1206.
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			Cross-examined by Sir C. Russell	-	-	-	-	-	p. 927, 930.
			Cross-examined by Mr. Davitt	-	-	-	-	-	p. 930.
			Re-examined by Sir H. James	-	-	-	-	-	p. 930, 931.
CUSACK, JOHN	-	-	Surrendered a farm at Oranbey	-	-	-	-	-	Joyce, p. 639.
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D.

DALEY	-	-	Arrested for murder of Curtin	-	-	-	-	-	Meehan, p. 935.
DALEY	-	-	Defends Mackin	-	-	-	-	-	Donavon, p. 1531.
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DALY, JAMES	-	Speaks at Ballyhannis, Oct. 1880	-	-	-	A.-G. S., p. 107.
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	-	Cross-examined by Mr. Reid	-	-	-	p. 2404.
	-	Cross-examined by Mr. Biggar	-	-	-	p. 2404.
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DALEY, CHARLES	-	Evicted 1884	-	-	-	Canon Shinkwin, p. 4868.
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DAVIS, INSPECTOR	-	Mentioned by Irwin	-	-	-	Irwin, p. 440.
DAVIS, JOHN	-	Letter to Digby	-	-	-	Digby, p. 1910.
DAVIS, WM.	-	Examined by Sir H. James	-	-	-	p. 1099-1113.
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	-	Cross-examined by Mr. Asquith	-	-	-	p. 1113-1118.
	-	Inner-circle of Land League	-	-	-	Davis, p. 1117.
	-	Cross-examined by Mr. Reid	-	-	-	p. 1119-1122.
	-	Cross-examined by Mr. Lockwood	-	-	-	p. 1122-1123.
	-	Cross-examined by Mr. Davitt	-	-	-	p. 1123-1124.
	-	Cross-examined by Mr. Biggar	-	-	-	p. 1131-1133.
	-	Re-examined by Sir H. James	-	-	-	p. 1133-1140.
DAVITT, MICHAEL	-	Name omitted from particulars	-	-	-	Russell, p. 39.
	-	Secretary of Land League	-	-	-	A.-G. S., p. 59.
	-	Arrested, 1881	-	-	-	A.-G. S., p. 61, 62.
	-	Signs No Rent Manifesto	-	-	-	A.-G. S., p. 87.
	-	Speaks at Irishtown, May 1880	-	-	-	A.-G. S., p. 100.
	-	Signs No Rent Manifesto	-	-	-	A.-G. S., p. 115.
	-	Applies to be supplied with particulars	-	-	-	Davitt, p. 156.
	-	Would object to withdrawal of No Rent Manifesto	-	-	-	A.-G. S., p. 167.
	-	Signs manifesto against Phoenix Park murders	-	-	-	A.-G. S., p. 170.
	-	A correspondent of "Irish World"	-	-	-	A.-G. S., p. 196.
	-	Introduced to Ford 1878	-	-	-	A.-G. S., p. 203.
	-	Statement of	-	-	-	A.-G. S., p. 204.
	-	Spoke at Brooklyn, Oct. 13, 1878	-	-	-	A.-G. S., p. 207.
	-	Speech at Boston, Dec. 8, 1878	-	-	-	A.-G. S., p. 209.
	-	Speech at Mill Town 1879	-	-	-	A.-G. S., p. 211.
	-	Letter to New York "World," May 21, 1884	-	-	-	A.-G. S., p. 213.
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LYDEN, MATTIE	Examined by Mr. Atkinson	-	-	-	p. 632.
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LYDON, MRS. H.	Examined by Mr. Murphy	-	-	-	p. 686-688.
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LYNCH, ELLEN	-	Property injured	-	-	-	-	Hussey, p. 1294.
LYNCH, J.	-	Stabbed	-	-	-	-	J., p. 1149.
LYNCH, MISS	-	Member of Ladies' Land League	-	-	-	-	Farrigher, p. 2028.
LYNCH, MRS.	-	O'Shea receives testimonial from advanced Nationalists at house of	-	-	-	-	O'Shea, p. 398.
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LYNE, MARTIN	-	President of Branch at Ballyhar	-	-	-	-	Leonard, p. 990.
LYNE, THOMAS J.	-	Examined by Mr. O'Connor	-	-	-	-	p. 5153-5156.
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LYONS	-	Arrested for travelling in disguise	-	-	-	-	Cronin, p. 3407.
LYONS, DANIEL	-	Threatening notice	-	-	-	-	Davis, p. 1107.
LYONS, DENIS	-	Accused of land-grabbing	-	-	-	-	Donohoe, p. 1164.
LYONS, JOHN	-	Evicted	-	-	-	-	Cremin, p. 1486.
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LYONS, PAT	-	Pays rent secretly	-	-	-	-	Leonard, p. 968.
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		Cross-examined by Mr. Murphy	-	-	-	-	p. 5816-5818.
MACARTHY	-	Secretary Killoo branch of Land League	-	-	-	-	Jago, p. 1823.
MACAULAY, THOMAS	-	A leading Fenian	-	-	-	-	Coleman, p. 3411.
		Letter to "Connaught Telegraph"	-	-	-	-	Coleman, p. 3435.
MACDERMOTT	-	A resident magistrate	-	-	-	-	Leonard, p. 1006.
MACDERMOT, JAMES	-	Examined by Mr. Atkinson	-	-	-	-	p. 1671, 1672.
		Cross-examined by Mr. Reid	-	-	-	-	p. 1672.
		Cross-examined by Mr. Biggar	-	-	-	-	p. 1672.
		Re-examined by Sir H. James	-	-	-	-	p. 1672.
MACDONALD, J. C.	-	Examined by Attorney-General	-	-	-	-	p. 2940-2943.
		Cross-examined Mr. Asquith	-	-	-	-	p. 2943-2949.
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MACGULTY'S BRIDGE	-	Dr. Tanner spoke at	-	-	-	-	Cremin, p. 1487.
MACKENZIE, J. C.	-	Examined by Mr. Murphy	-	-	-	-	p. 3523.
		Cross-examined by Mr. Reid	-	-	-	-	p. 3524.
MACKIN, PAT	-	Arrested for murder of Feerick	-	-	-	-	Donavon, p. 1531.
MACMAHON	-	A juryman at the trial of dynamiters, Nov. 29, 1886; boycotted	-	-	-	-	A.-G. S., p. 273.
MACMAHON, JEREMIAH	-	House searched	-	-	-	-	M'Carthy, p. 886.
MACNAMERA	-	Boycotted	-	-	-	-	A.-G. S., p. 287.
		A blacksmith at Kinvarra	-	-	-	-	Burke, p. 832.
MACNAMARA, FRANCIS	-	Boycotted	-	-	-	-	Perry, p. 1778.
MACNAMARA, MAT.	-	On committee of branch of National League	-	-	-	-	Hoarty, p. 758.

MACPHERSON	-	-	Appears for Gornall	-	-	-	-	p. 1326.
MACROOM	-	-	Meeting at	-	-	-	-	A.-G. S., 256.
MADDEN	-	-	Threatening letter to	-	-	-	-	Creigh, p. 767.
MADDEN, PETER	-	-	On Committee of Land League at Whitegate	-	-	-	-	Clancy, p. 670.
MADDEN, THOMAS	-	-	His hay burnt, Oct. 8, 1880	-	-	-	-	Bell, p. 553.
MACHALE, ANTHONY.	FATHER	-	Examined by Mr. Reid	-	-	-	-	p. 5504-5506.
		-	Cross-examined by Sir H. James	-	-	-	-	p. 5506-5509.
		-	Re-examined by Mr. Reid	-	-	-	-	p. 5512-5514.
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MADDIGAN, JOHN	-	-	Outrage on	-	-	-	-	Lucy Thompson, p. 1610.
MADDOX, DONALD	-	-	Evicted	-	-	-	-	Leonard, p. 969.
MAGUIRE	-	-	Reports Boyton's speech at Barraduff	-	-	-	-	A.-G. S., p. 91.
MAGUIRE, DR.	-	-	Helps Houston in his search for compromising letters	-	-	-	-	Houston, p. 3006.
MAHONE	-	-	Preston stationed at	-	-	-	-	Preston, p. 582.
MAHCN, JOHN ROSS	-	-	A land agent, living at Weston House	-	-	-	-	Bolger, p. 595.
MAHONEY	-	-	Convicted for moonlighting	-	-	-	-	Rice, p. 1249.
MAHONEY, PAT	-	-	Assaulted	-	-	-	-	Gilhooley, p. 1140.
MAHONEY, WILLIAM	-	-	Phoenix Park murderer	-	-	-	-	Molloy, p. 1508.
MAHONY, CATHERINE	-	-	Defended by Land League	-	-	-	-	Leonard, p. 997.
MAHONY, JEREMIAH	-	-	Horse mutilated	-	-	-	-	Huggins, p. 1039.
MAHONY, JOHN	-	-	Farm to be sold	-	-	-	-	Leonard, p. 986.
MAHONY, MICHAEL	-	-	Shot, Oct. 23, 1881	-	-	-	-	A.-G. S., p. 133.
MAIL HILL	-	-	Land League meeting at	-	-	-	-	Rudden, p. 819.
MALACHY	-	-	On committee of Land League	-	-	-	-	Noonan, p. 783.
MALANEY, J.	-	-	Examined by Attorney-General	-	-	-	-	p. 2842-2843.
MALDON BARRACK	-	-	Raid for arms	-	-	-	-	Huggins, p. 1057
MALONY	-	-	Land League books said to have passed into his possession	-	-	-	-	A.-G. S., p. 185.
MALONEY, EDWARD	-	-	Member of National League	-	-	-	-	Heagney, p. 617.
MALONEY, FATHER JOHN	-	-	Examined by Mr. Reid	-	-	-	-	p. 4367-4370.
MALONEY, JAMES	-	-	Examined by Mr. Murphy	-	-	-	-	p. 1589.
		-	Cross-examined by Sir C. Russell	-	-	-	-	p. 1589-1590.
MALONEY, MICHAEL	-	-	Evicted	-	-	-	-	Lucy Thompson, p. 1604.
MALONEY, MISS	-	-	Boycotted	-	-	-	-	Murphy, p. 790.
MALONEY, MRS.	-	-	Member of Ladies' Land League	-	-	-	-	Farrigher, p. 2028.
MANCHESTER MARTYRS' ANNIVERSARY	-	-	Held Nov. 23, 1885. Present: Byrne, Mrs. Byrne, John H. Parnell, and Edward J. Rowe	-	-	-	-	A.-G. S., p. 250.
MANNION	-	-	Evicted	-	-	-	-	Leonard, p. 617.
MANNION, JAMES	-	-	Examined by Mr. Atkinson	-	-	-	-	p. 726, 734.
		-	A Fenian and member of Land League	-	-	-	-	Mannion, p. 726.
		-	Outrage on Anthony Coyne	-	-	-	-	Mannion, p. 728.
		-	Posts notices	-	-	-	-	Mannion, p. 730.
		-	Murder of Lydon	-	-	-	-	Mannion, p. 733.
		-	Cross-examined by Sir C. Russell	-	-	-	-	p. 734, 739.
		-	Cross-examined by Mr. Reid	-	-	-	-	p. 739.
		-	Cross-examined by Mr. Lockwood	-	-	-	-	p. 739, 740.
		-	Cross-examined by Mr. Biggar	-	-	-	-	p. 740.
		-	Re-examined by Attorney-General	-	-	-	-	p. 741.
MANNION	-	-	Certificate asked for	-	-	-	-	A.-G., p. 785.
MANNION, JOHN	-	-	Imprisoned for trespassing	-	-	-	-	Keaveney, p. 812.
MANNION, M.	-	-	Outrage on	-	-	-	-	Bell, p. 554.
MANNION, T.	-	-	Threatening letter	-	-	-	-	Bell, p. 554.
MANNION, PAT	-	-	Imprisoned for trespassing	-	-	-	-	Keaveney, p. 812.

MANOGUE, TERRY	-	Took land from which Rodgers had been evicted	-	Onan, p. 663.
MANORHAMILTON	-	Meeting at, Aug. 29, 1880	-	J., p. 2191.
MANTON, JOHN	-	A friend of Molloy	-	Molloy, p. 1500.
MARONEY, DENNIS	-	Examined by Mr. Atkinson	-	p. 1385.
	-	Cross-examined by Sir C. Russell	-	p. 1385, 1386.
	-	Cross-examined by Mr. Lockwood	-	p. 1387.
	-	Re-examined by Sir H. James	-	p. 1387.
MARONEY, MICHAEL	-	Evidence about murder of	-	Father Ewart, p. 4808.
MARTIN	-	See J. J. O'Kelly, M.P.	-	p. 6023.
MARTIN	-	Calf drowned	-	Gilhooley, p. 1145.
MARTIN, THOMAS	-	Phoenix Park murderer	-	Molloy, p. 1508.
MARTYRS' FUND	-	Criticised	-	A.-G. S., p. 172.
MARTYRS' TESTIMONIAL FUND	-	Criticised	-	A.-G. S., p. 194.
MARYBOROUGH	-	Books of branch of Land League at, produced	-	Meahan, p. 5937.
MASSEY, CAPTAIN	-	A resident magistrate	-	Leonard, p. 1006.
MATTHEWS	-	Reports speeches at Bohola, July 1880	-	A.-G. S., p. 104.
MAUGHANTOORIG	-	Cronin lived at	-	Leonard, p. 966.
MAYE, JAMES	-	Speech at Castlelyons, Sept. 5, 1880	-	A.-G. S., p. 124.
MAYNE, THOMAS, M.P.	-	Examined by Mr. Reid	-	p. 5824.
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		States "the moonlighters are the only support of the League."	-	-	-	-	Tobin, p. 2096.
McFILPIN, REV. B.	-	Spoke at Ballymara	-	-	-	-	Bell, p. 548.
McGILLICUDDY, REV.	-	Spoke at Knoeknabul, June 6, 1881	-	-	-	-	A.-G. S., p. 93.
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Kildare, Aug. 15, 1880	-	-	-	-	-	J., p. 2191.
Athy, Oct. 10, 1880	-	-	-	-	-	J., p. 2191.
Clanmacnoise, Sept. 5, 1880	-	-	-	-	-	J., p. 2191.
Parsonstown, Nov. 21, 1880	-	-	-	-	-	J., p. 2191.
Ballinamore, June 29, 1880	-	-	-	-	-	J., p. 2191.
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Carrick-on-Shannon, Oct. 24, 1880	-	-	-	-	-	J., p. 2191.
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Limerick, Nov. 1, 1880	-	-	-	-	-	J., p. 2191.
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Westport, Oct. 17, 1880	-	-	-	-	-	J., p. 2192.
Shrule, Oct. 21, 1880	-	-	-	-	-	J., p. 2192.
Balaghaderin, Nov. 21, 1880	-	-	-	-	-	J., p. 2192.
Rathnacreeva, Dec. 19, 1880	-	-	-	-	-	J., p. 2192.
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Mount Irvine, Nov. 6, 1880	-	-	-	-	-	J., p. 2195.
Keash, July 25, 1880	-	-	-	-	-	J., p. 2196.
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MEENHANWAIN	Outrage at	-	-	-	-	J., p. 1149.
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MERTON COLLEGE, WAR- DEN OF	Alleged contempt of	-	-	-	-	Reid, p. 1733.
M'GREARY, PETER	House attacked, Mar. 1882	-	-	-	-	A.-G. S., p. 114.
M'HUGH, BILLY	A land grabber, mentioned by name by Brennan at Milltown	-	-	-	-	A.-G. S., p. 78.
M'HUGO, MICHAEL	Car destroyed	-	-	-	-	Murphy, p. 794.
MILIEN, GENERAL	A delegate from America	-	-	-	-	Delaney, p. 1849.
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MILTOWN MALBY	Destitution at	-	-	-	-	Ives, p. 571.
MILWAUKEE	Demonstration at	-	-	-	-	Le Caron, 2571.
M'INTEE, ANDREW	Refused to sell Kennedy's goods	-	-	-	-	Kennedy, p. 704.
MITCHELL, PAT	Threatening notice	-	-	-	-	Murphy, p. 794.
MITCHELL, RICHARD	Examined by Attorney-General	-	-	-	-	p. 2794-2796.
	Cross-examined by Sir C. Russell	-	-	-	-	p. 2796-2799.
	Cross-examined by Mr. Reid	-	-	-	-	p. 2800.
	Cross-examined by Mr. Davitt	-	-	-	-	p. 2800.
	Re-examined by Attorney-General	-	-	-	-	p. 2800-2802.
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MOGAN, OWEN	Examined by Mr. Ronan	-	-	-	-	p. 826, 827.
	Cross-examined by Sir C. Russell	-	-	-	-	p. 827, 828.
	Cross-examined by Mr. Davitt	-	-	-	-	p. 828-830.
	Re-examined by Sir H. James	-	-	-	-	p. 830.
MOHARIF FAIR	Baton charge at	-	-	-	-	Davis, p. 1114.
MOLLOY, PAT	Hay burnt	-	-	-	-	Bell, p. 560.
MOLLOY, PATRICK	Committed to prison	-	-	-	-	p. 1451.
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	Cross-examined by Sir C. Russell	-	-	-	-	p. 1512-1520.

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	Cross-examined by Mr. Davitt -	-	-	-	p. 1520-1521.
	An Invincible -	-	-	-	Delaney, p. 1856.
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MOLONEY, W. F. -	Examined by Sir H. James -	-	-	-	p. 6227-6240.
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	Cross-examined by Sir H. James -	-	-	-	p. 4371-4387.
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MONAGHAN -	FitzSimon stationed at -	-	-	-	FitzSimon, p. 1557.
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	Re-examined by Sir C. Russell -	-	-	-	p. 4434.
MONAGHAN, MARTIN -	Threatening letter -	-	-	-	Bell, p. 556.
MONAHAN, ANDREW -	Arrested -	-	-	-	Drohan, p. 1750.
MONAHAN, P. J. -	Instructs Daley -	-	-	-	Donavon, p. 1531.
MONDRED -	See Wm. Redmond.				
MONIGHAN, D. -	Turf burned -	-	-	-	J., p. 1150.
MONOGUE, TIM. -	On committee of Land League at Whitegate -	-	-	-	Clancy, p. 670.
MONOHAN, JOHN -	Evicted -	-	-	-	Donohoe, p. 775.
MONYEHAN, D. -	Outrage on Lynch -	-	-	-	J., p. 1149.
MOONEY -	Worked for Murphy -	-	-	-	Murphy, p. 1212.
MOONEY, ANN -	Refuses to supply Mogan with goods -	-	-	-	Mogan, p. 827.
MOONEY, JAS. -	Spoke at Philadelphia, Apr. 25, 1883 -	-	-	-	A.-G. S., p. 240.
	Speech of -	-	-	-	J., p. 2211.
	Speech of, at Philadelphia -	-	-	-	Le Caron, p. 2581.
MOONEY, THOS. -	Contributes to "Irish World" under name of "Transatlantic" -	-	-	-	A.-G. S., p. 230.
	Letter to Harris -	-	-	-	A.-G., p. 1947.
MOONLIGHT, CAPTAIN -	Posts notices at Ballymccally and Woodford -	-	-	-	A.-G. S., p. 82.
	Issued order to boycott Perry -	-	-	-	A.-G. S., p. 133.
MOORE -	Persecuted for taking Greeney and Robinson's farm -	-	-	-	A.-G. S., p. 78.
MOORE, MRS. -	Member, Ladies' Land League -	-	-	-	Crane, p. 1220.
MOORE, THOMAS -	President of Land League at Castleisland -	-	-	-	Huggins, p. 1068.
MOORHEAD, JAMES -	Boycotted -	-	-	-	Jago, p. 1825.
MORAN, JAMES -	Attacked for paying his rent, Dec. 15, 1881 -	-	-	-	A.-G. S., p. 113.
MORAN, JOHN -	Ordered to give up herding -	-	-	-	Murphy, p. 777.
MORAN, THOMAS -	Attacked for paying his rent, Dec. 15, 1881 -	-	-	-	A.-G. S., p. 113.
MORIARTY -	A bailiff -	-	-	-	Crane, p. 1219.
MORIARTY, DONALD -	Murdered Fitzmaurice -	-	-	-	N. Fitzmaurice, p. 949.
MORIARTY, DR. -	Speech at Knocknagoshil -	-	-	-	Huggins, p. 1050.
MORIARTY, MICHAEL -	Shot at, Mar. 5, 1885 -	-	-	-	A.-G. S., p. 312.
MORIARTY, PHILIP -	Prosecuted -	-	-	-	Shca, p. 1201.
MORNING -	Threatening notice -	-	-	-	Bell, p. 558.
MORONEY, MICHAEL -	Murdered -	-	-	-	Perry, p. 1777.
MORONEY, MICHAEL -	Examined by Mr. Atkinson -	-	-	-	p. 1780.
MORRISSEY, WM. -	House burnt down -	-	-	-	Bolger, p. 597.

MORRISSY, REV. ALEX.	-	Examined by Mr. Lockwood	-	-	-	p. 4388-4892.
		Cross-examined by Mr. Atkinson	-	-	-	p. 4892-4897.
		Re-examined by Mr. Lockwood	-	-	-	p. 4897-4898.
MOSER	-	Represented by Mr. Keeble	-	-	-	P. M., p. 2.
MOUNT IRVINE	-	Meeting at, Nov. 6, 1880	-	-	-	J., p. 2195.
MOUNTMORRIS, LORD	-	Murdered, Sept. 25, 1880	-	-	-	A.-G. S., p. 77.
MOUNTMORRIS, VISCOUNTESS		Examined by Sir H. James	-	-	-	p. 812-815.
		Cross-examined by Sir C. Russell	-	-	-	p. 815, 816.
MOUNTSTREVEN	-	Meeting at	-	-	-	Murphy, p. 805.
MOYARD	-	Near Letterfrack	-	-	-	Butler, p. 634.
MOYBELLA	-	Outrages at	-	-	-	Rice, p. 1258.
MOYCULLEN	-	Destitution at	-	-	-	Ives, p. 571.
MOYNIHAN, CORNELIUS	-	Malicious injury	-	-	-	Davis, p. 1108.
MOYNIHAN, J.	-	Afraid to pay his rent	-	-	-	Leonard, p. 971.
MOYNIHAN, D. F.	-	House fired into	-	-	-	Leonard, p. 970.
MOYNIHAN, EUGENE	-	Sued for rent	-	-	-	Leonard, p. 1016.
MOYRIHAN, M.	-	Defended by Land League	-	-	-	Leonard, p. 997.
M'TAGHOES, PAT.	-	Shot at	-	-	-	Bell, p. 559.
M'QUEANY, PAT	-	Turf burned	-	-	-	Murphy, p. 795.
MULBERRIN, PAT	-	Present at meeting at Letterfrack	-	-	-	Mannion, p. 730.
MULKERRIN, PAT	-	A Fenian and member of Land League	-	-	-	Mannion, p. 727.
MULLAGH	-	Land League branch at	-	-	-	Kennedy, p. 701.
		Meeting at, Dec. 12, 1880	-	-	-	J., p. 2181.
MULLAGHGLASS	-	Meeting at	-	-	-	Mannion, p. 729.
MULLAGHY, PETER	-	Present at meeting at Roundford, Apr. 1880	-	-	-	A.-G. S., p. 110.
MULLEN	-	Outrages at	-	-	-	Huggins, p. 1030.
MULLEN	-	Outrage at	-	-	-	J., p. 1150.
MULLETT, JAMES	-	Condemned to 10 years' penal servitude for Phoenix Park murders	-	-	-	Molloy, p. 1504.
		A Centre	-	-	-	Delaney, p. 1850.
		An Invincible	-	-	-	Delaney, p. 1856.
MULLETT, JOE	-	An Invincible	-	-	-	Molloy, p. 1498.
		Phoenix Park murderer	-	-	-	Molloy, p. 1508.
		A Centre	-	-	-	Delaney, p. 1850.
		An Invincible	-	-	-	Delaney, p. 1856.
MULLETT, REV. M.	-	Letter from Dorris	-	-	-	Farragher, p. 2033.
MULLIENT	-	Brown lived at	-	-	-	Brown, p. 1156.
MULLIGAN, JOHN	-	Speech at Glenvalley, Sept. 20, 1885	-	-	-	A.-G. S., p. 288.
MULLINAHONE	-	Meeting at, Aug. 8, 1880	-	-	-	J., p. 2196.
MULQUEENY, GEORGE	-	Said that the letters were taken by the police from Land League rooms	-	-	-	O'Shea, p. 396.
		Is a Nationalist	-	-	-	O'Shea, p. 397.
		Tells O'Shea that Thavies and Hayes had threatened him	-	-	-	O'Shea, p. 401.
		Examined by Attorney-General	-	-	-	p. 3588-3598.
		Member of National League	-	-	-	Mulqueeny, p. 3588.
		Member of I.R.B.	-	-	-	Mulqueeny, p. 3589.
		Shown arms by Byrne	-	-	-	Mulqueeny, p. 3593.
		Cross-examined by Mr. Reid	-	-	-	p. 3598-3603.
		Cross-examined by Mr. Davitt	-	-	-	p. 3608-3609.
MULROE	-	Concerned in murder of Lord Mountmorres	-	-	-	Burke, p. 1456.
MULVILEY, CORNELIUS	-	Treasurer of branch of Land League	-	-	-	Connor, p. 896.

	Name.	Place.	Date.	
MURDERS	Thomas Barrett	Dulough	11 May 1882	{ A.-G. S., p. 114. Bingham, p. 1535.
	John H. Blake	Rathville	29 June 1882	{ Bell, p. 553. Mrs. Blake, p. 682.
	James Brosnan	Co. Kerry	18 Aug. 1879	Hussey, p. 1294.
	Brown	-	-	A.-G. S., p. 96.
	W. Burke	-	8 June 1882	Bell, p. 552.
	Pat. Cahill	-	22 June 1882	{ Huggins, p. 1046. Bennett, p. 854.
	John Connor	Co. Galway	11 May 1881	Julia Connor, p. 508.
	James Connors	Do.	12 May 1881	A.-G. S., p. 78.
	Pat. Counihan	-	8 Sept. 1882	Davis, p. 1109.
	Curtin	Castlefarm	13 Nov. 1885	L. Curtin, p. 928.
	Peter Dempsey	Loughrea	-	{ A.-G. S., p. 69. Barry, p. 500.
	Luke Dillon	{ Ballyhaunis, near	17 Nov. 1881	{ A.-G. S., p. 113. Dillon, p. 1577.
	Peter Doherty	{ Athenry	2 Nov. 1881	{ A.-G. S., p. 81. Bell, p. 550.
	D. Downey	Co. Cork	16 July 1880	A.-G. S., p. 128.
	Jas. Fitzmaurice	Ahabeg	31 Jan. 1881	{ A.-G. S., p. 314. N. Fitzmaurice, p. 949.
	Daniel Flynn	Sandville	1 Aug. 1879	{ Gilhooky, p. 1141. J., p. 1149.
	Pat. Freeley	Blackloughbay	— Jan. 1882	Freeley, p. 1566.
	Haddens	-	3 Jan. 1882	A.-G. S., p. 81.
	Halloran	-	18 Nov. 1881	A.-G. S., p. 132.
	Arthur Herbert	{ Lishenbawn, near	30 Mar. 1882	{ A.-G. S., p. 99. Davis, p. 1100 <i>et seq.</i>
	Cornelius Hickey	{ Castleisland	8 June 1882	Huggins, p. 1044.
	Cornelius Higney	-	28 Feb. 1882	A.-G. S., p. 98.
	Houligan	-	-	Jago, p. 1827.
	John Huddy	{ Lough Mask	3 Jan. 1882	Huddy, p. 589.
	Joseph Huddy	-	-	-
	Dan. Leahy	Searteen	20 Aug. 1881	Leonard, p. 967.
	Sergt. Linton	Loughrea	24 July 1881	Barry, p. 543.
	Michael Maroney	Lahort	— — 1881	Perry, p. 1777.
	Thos. McMahon	-	25 Oct. 1881	A.-G. S., p. 113.
	Lord Mountmorres	Cong	25 Sept. 1880	{ A.-G. S., p. 77. Lady Mountmorres, pp. 812, 815, 816.
	Pat. Quirk	Ardfert	8 Nov. 1887	Gamble, p. 1668.
	Rahilly	Killarney	31 Dec. 1885	Crane, p. 1235.
	John Regan	Linnar	29 Dec. 1885	{ A.-G. S., p. 272. Mary Regan, p. 1263.
	Thady Roane	Rathville	29 June 1882	{ Mrs. H. Blake, p. 682. Bell, p. 553.
	Ryle	-	-	Crane, p. 1243.
	James Senton	Loughrea	24 July 1881	A.-G. S., p. 78.
	Sullivan	Castle Farm	13 Nov. 1885	L. Curtin, p. 928.
	Pat. Tangney	-	3 June 1886	A.-G. S., p. 314.
	Corporal Wallace	-	8 June 1882	Bell, p. 552.
	Zeehy	Searteen	20 Aug. 1882	A.-G. S., p. 99.
	Hurley	-	— — 1879	Rev. Anderson, p. 4884.

MURDOCK, JAMES	Letter to Hewson	Hewson, p. 1916.
MURPHY	Evicted from a farm, his successor, Talbot, shot at	A.-G. S., p. 97.
MURPHY	Outrages on his daughters for speaking to the police	A.-G. S., p. 274.
MURPHY	Mentioned by Irwin	Irwin, p. 440.
MURPHY	Ejected	Leonard, p. 964.
MURPHY	Arrested for inciting the people	Rice, p. 1247.
MURPHY	Appears for Defendants in O'Donnell v. Walter	A.-G., p. 36.
	Examination of Irwin	p. 371-374.
	Re-examines Irwin	p. 552-454.
	Examines Rafferty	p. 491-497.
	Re-examines Rafferty	p. 499.
	Examines Julia Connor	p. 507, 508.
	Re-examines Julia Connor	p. 509.
	Examines Lewis	p. 510-513.
	Examines White	p. 521, 522.
	Re-examines White	p. 525.
	Examines Annie Blaquare	p. 535-537.
	Examines Welch	p. 538.
	Examines Preston	p. 532.
	Examines Williams	p. 535.
	Examines Bolger	p. 535-598.

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Examines Corless	-	-	-	-	-	p. 601.
Examines Kelly	-	-	-	-	-	p. 603, 604.
Examines Connair	-	-	-	-	-	p. 620-625.
Examines Beauchamp	-	-	-	-	-	p. 627.
Examines Mr. C. J. Blake	-	-	-	-	-	p. 641-644.
Examines H. Blake	-	-	-	-	-	p. 656.
Examines Smyth	-	-	-	-	-	p. 656-658.
Examines Keen	-	-	-	-	-	p. 658.
Examines Mrs. Lydon	-	-	-	-	-	p. 686-688.
Examines Keogh	-	-	-	-	-	p. 689-691.
Examines Flaherty	-	-	-	-	-	p. 742-744.
Examines Hoarty	-	-	-	-	-	p. 757-759.
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		Does not know Egan	-	-	-	-	-	O'Shea, p. 376.
		Interview with Parnell, April 10, 1882	-	-	-	-	-	O'Shea, p. 377.
		Letter from Parnell, April 16, 1882	-	-	-	-	-	O'Shea, p. 378.
		Memorandum made with Mr. Chamberlain, April 22, 1882	-	-	-	-	-	O'Shea, p. 380.
		Visits Parnell in Kilmainham	-	-	-	-	-	O'Shea, p. 380.
		Letter from Parnell, April 27, 1880	-	-	-	-	-	O'Shea, p. 381.
		Letter from Parnell, April 28, 1882	-	-	-	-	-	O'Shea, p. 384.
		Obtains police protection for Parnell	-	-	-	-	-	O'Shea, p. 386.
		Says the signature of Parnell's letter of May 15, 1882, is genuine	-	-	-	-	-	O'Shea, p. 387, 413.
		Cross-examined by Sir Charles Russell	-	-	-	-	-	p. 390-415.
		Dines with Blennerhasset and Buckle, Aug. 22, 1888	-	-	-	-	-	O'Shea, p. 393.
		Receives testimonial from advanced Nationalists at house of Mr. Lynch	-	-	-	-	-	O'Shea, p. 398.
		Believed that Parnell was opposed to dynamite and outrage	-	-	-	-	-	O'Shea, p. 400.
		Is told by Mulqueeny that Thavies and Hayes had threatened him	-	-	-	-	-	O'Shea, p. 401.
		Calls on Dwyer and Gabbett	-	-	-	-	-	O'Shea, p. 402.
		Letter to the Freeman, May 18, 1882	-	-	-	-	-	O'Shea, p. 415.
		Cross-examined by Sir Charles Russell	-	-	-	-	-	p. 429.
		Re-examined by the Attorney-General	-	-	-	-	-	p. 429.
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		Letter to Doriss	-	-	-	-	-	Soames, p. 2858.
O'SHEA, WILLIAM	-	Letter to McGough	-	-	-	-	-	Soames, p. 2873.
O'SULLIVAN, J. D.	-	Speaks at Kenmare, Sept. 1885	-	-	-	-	-	A.-G. S., p. 96.
		Treasurer of Land League	-	-	-	-	-	A.-G. S., p. 59.
		Organiser of Land League	-	-	-	-	-	A.-G. S., p. 60.
		Speaks at Riversville, Sept. 19, 1880	-	-	-	-	-	A.-G. S., p. 69.
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		Tried at Dublin, Dec. 1880	-	-	-	-	-	Irwin, p. 441.
O'SULLIVAN, JEREMIAH	-	Rent paid secretly	-	-	-	-	-	Leonard, p. 968.
O'SULLIVAN, JOSEPH	-	Shot	-	-	-	-	-	Leonard, p. 973.
		Shot	-	-	-	-	-	Crane, p. 1222.
O'SULLIVAN, J. R.	-	Evicted	-	-	-	-	-	Hegarty, p. 1311.
O'SULLIVAN, M.	-	Tried at Dublin, Dec. 1880	-	-	-	-	-	Irwin, p. 441.
O'SULLIVAN, MALACHI	-	Present at meeting at Kilebeg	-	-	-	-	-	Kennedy, p. 701.
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O'SULLIVAN, M. M.	-	Speeches at:—						
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		Kylebeg	-	-	-	-	-	J., p. 2187.
		Ballinamore	-	-	-	-	-	J., p. 2191.
		Kilmallock	-	-	-	-	-	J., p. 2191.
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OUGH, ALFRED	-	Examined by Mr. Murphy	-	-	-	-	-	p. 3395.
OUGHTERARD	-	Destitution at	-	-	-	-	-	Ives, p. 571.
OUGHTERARD	-	Land League meeting at	-	-	-	-	-	Lady Mountmorres, p. 815.

	Person.	Place.	Date.	
OUTRAGES	Baldwin	-	18 July 1881	Bell, p. 556.
	Mary Barry	Castleisland	25 Feb. 1879	Gilhooley, p. 1140.
	Beamish	-	Nov. 1882	A.-G. S., p. 272.
	James Black	Castleisland	30 Jan. 1881	Huggins, p. 1030.
	Blaquaire	Co. Galway	15 Nov. 1881	A.-G. S., p. 81, 535.
	Mrs. H. Blake	Rathville	29 June 1882	{ Bell, p. 553. Mrs. H. Blake, p. 682.
	Robert Botherill	Newgarden	19 Jan. 1882	{ A.-G. S., p. 83. Botherill, p. 605.
	John Bowen	-	25 July 1887	Murphy, p. 794.
	Edward Boyle	-	30 Nov. 1882	Huggins, p. 1047.
	Pat Brandey (alleged)	Ballybeg	27 Sept. 1882	Huggins, p. 1065.
	Samuel Bolton	Carlow Graigue	17 July 1887	Slack, p. 2325.
	Edward Boyle	Cardal	25 July 1879	J., p. 1149.
	Brecn	Crockmore	May 1883	Crane, p. 1222.
	Dennis Brennan	Mitchelstown	15 Feb. 1886	A.-G. S., p. 272.
	Hugh Brosnan	Kilcussa	26 June 1881	Huggins, p. 1034.
	J. Brosnan	Cordal	17 Oct. 1880	J., p. 1150.
	Edward Brown	Mullen	31 Dec. 1880	Huggins, p. 1030.
	Mrs. Browne	Carrigahorig	31 Dec. 1880	Bell, p. 556.
	Thomas Brown	-	13 Sept. 1879	Hussey, p. 1294.
	Pat Brown	-	27 Aug. 1887	Murphy, p. 794.
	Pat Bryan	Woodford	13 Aug. 1886	Murphy, p. 791.
	Jeremiah Buckley	-	22 June 1881	A.-G. S., p. 128.
	William Buckley (alleged).	Ballybeg	27 Sept. 1882	Huggins, p. 1065.
	Honora Cahill	Knockatee (near Castleisland).	2 June 1882	Huggins, p. 1045.
	John Callaghan	Glennamuckla (near Kanturk).	29 Sept. 1885	A.-G. S., p. 271.
	J. Calvin	Castleisland	4 Oct. 1879	J., p. 1149.
	Dr. Cane	-	1887	Kennedy, p. 1198.
	Pat Canlon	Woodford	13 Aug. 1886	Murphy, p. 791.
	Jeremiah Carmody	-	-	Hussey, p. 1275.
	M. Carmody	-	23 Aug. 1886	Rice, p. 1248.
	G. S. Carter	Belmullet	15 Mar. 1882	{ A.-G. S., p. 104. Carter, p. 1590 et seq.
	Pat Cartoon	Meenletrim	2 Mar. 1880	J., p. 1150.
	Mrs. Clements (alleged)	-	-	McArdle, p. 1561.
	Thomas Clifford	-	7 Nov. 1881	Bennett, p. 854.
	Coffey	Ennis	10 Aug. 1881	A. G. S., p. 132.
	William Cohey	Anniscaul	12 Sept. 1886	Shea, p. 1201.
	M. Conallen	-	3 Dec. 1880	Bell, p. 554.
	Constable Concannon	-	12 Mar. 1887	Rice, p. 1250.
	Connaire	-	26 Nov. 1881	A. G. S., p. 80.
	Ellen Connell	-	-	{ Davis, p. 1106.
	Mary Connell	-	-	{ Davis, p. 1106.
	Timothy Connell	-	-	{ Davis, p. 1104, 1106, 1107.
	J. Connor	Doolaig	15 Nov. 1880	J., p. 1150.
	Hugh Connor	-	30 June 1883	Huggins, p. 1048.
	Conroy (alleged)	-	22 Jan. 1885	Cole, p. 1574.
	John Conway	Killigubbin	1 Aug. 1886	A. G. S., p. 313.
	William Conway	Curragh	15 May 1886	A. G. S., p. 308.
	Corrigan	-	1885	Hewson, p. 1919.
	Cox	-	6 Sept. 1881	A.-G. S., p. 98.
	Anthony Coyne	-	1880	Mannion, p. 728.
	Ellen Creaghan	-	28 Jan. 1881	Bell, p. 556.
	Cornelius Cree	-	14 Feb. 1887	A.-G. S., p. 274.
	Philip Cremin	Rathowen	6 Feb. 1867	Do.
	J. Cromer	Cardal	29 June 1879	J., p. 1149.
	T. Cromer	Knockeen	7 Nov. 1878	Do.
	F. Cromin	Castleisland	4 Oct. 1879	Do.
	Daniel Cronin	Manhantoorig	27 Nov. 1881	Leonard, p. 966.
	Michael Cronin	Do.	Do.	Do.
	Crotty	-	1871	Smith, p. 1689.
	Denis Crowe	-	18 May 1882	Bell, p. 560.
	John Cullotty	-	17 April 1882	{ Huggins, p. 1044. A. G. S., p. 99.
	Curley	-	11 July 1883	Do.
	Curling	Moybella	18 Dec. 1886	Rice, p. 1250.
	Daniel Curtin	-	8 Jan. 1882	Davis, p. 1104.
	James Curtin	-	14 May 1882	Davis, p. 1107.
	William Daly	Dromreag	Aug. 1881	Leonard, p. 965.
	Delane	-	June 1882	Huggins, p. 1063.
	James Delaney	Co. Kerry	31 Mar. 1879	Hussey, p. 1293.
	Michael Denehy	Muckross	26 April 1881	Huggins, p. 1032.
	M. Dennchy	Clydane	6 May 1880	J. P., p. 1150.
	M. Deuchey	Clydane	9 April 1878	J. P., p. 1149.
	D. Donoghue	-	18 Dec. 1881	Leonard, p. 969.
	D. Donoghue	-	18 Dec. 1881	Leonard, p. 974.
	Hubert Donohoe	-	24 Nov. 1886	Murphy, p. 796.
	Honora Dood	Meenhauwain	29 July 1879	J., p. 1149.
	Daniel Doolan	-	6 Mar. 1882	Huggins, p. 1044.
	Joseph Dooley	-	30 Jan. 1880	A.-G. S., p. 76.
	D. Dooling	Ballymacadam	22 Nov. 1880	J., p. 1150.

	Person.	Place.	Date.	
OUTRAGES—cont. -	Daniel Dooling	Craganoonin	6 June 1882	A.-G. S., p. 98.
	Downey		16 July 1880	A.-G. S., p. 126.
	Michael Downey	Cloyton	1881	Huggins, p. 1074.
	Mrs. Driscoll	Ballydehob	1882	Laing, p. 1420.
	Pat Duggan	Shroon Moor	1882	Leonard, p. 973.
	Hurst Evans	Moybella	18 Dec. 1886	Rice, p. 1250.
	Malachy Fallon	Ahascragh	Feb. 1881	Bolger, p. 596.
	Fanning	Loughmore	29 Oct. 1885	Slack, p. 2329.
	Feerick	Bohola	29 June 1880	A.-G. S., p. 104.
	Michael Fenton	Gurtasna	1 Dec. 1881	A.-G. S., p. 129.
	Merty Finane	Cuteen	12 Aug. 1882	Leonard, p. 973.
	Michael Finn		15 Dec. 1881	A.-G. S., p. 113.
	Pat Finn		18 May 1882	Bell, p. 560.
	Pat Finucane		23 Aug. 1886	Rice, p. 1248.
	Michael Fitzgerald (alleged).	Knocknagoskil	30 July 1882	Huggins, p. 1055.
	M. Fitzgerald	Knockadown	10 April 1878	J., p. 1149.
	Canon Fleming	Balmakill	1881	Mannion, p. 732.
	John Fleming		14 Jan. 1882	{ Davis, p. 1104. Huggins, p. 1042.
	Michael Flynn	Cordal	17 Dec. 1881	{ A.-G. S., p. 98. Huggins, p. 1041
	John Flynn	Portduff	31 Jan. 1884	Huggins, p. 1048.
	James Ford	Tubbery	29 May 1882	Ford, p. 772.
	Thomas Galvin	Doonane	12 Nov. 1881	{ A.-G. S., p. 98. Huggins, p. 1039.
	Catharine Gangham		3 Oct. 1881	Bingham, p. 1534.
	Sergeant Gilbraith		4 May 1881	Wall, p. 1431.
	Arthur Gloster		7 June 1886	A.-G. S., p. 314.
	Pat Glynn	Woodford	14 April 1888	Murphy, p. 794.
	Pat Gorvey			Murphy, p. 792.
	Denis Guiney		8 Jan. 1882	Davis, p. 1104.
	Wilson Gunn		13 Sept. 1886	Rice, p. 1249.
	Patrick Halloran		29 July 1881	A.-G. S., p. 132.
	P. Harkin		1883	Hewson, p. 1919.
	Timothy Hayes	Trinneens	8 Aug. 1885	A.-G. S., p. 271.
	Martin Healy		Dec. 1880	Bell, p. 554.
	C. Hearne	Ballinrobe	18 May 1880	A.-G. S., p. 113.
	J. Hegarty		6 April 1885	A.-G. S., p. 270.
	Cornelius Hickey		8 June 1882	Huggins, p. 1044.
	Michael Hoarty	Galway		Flanagan, p. 751.
	George Hopkins	Clonbur	Sept. 1879	Rudden, p. 817.
	Bridget Horan		1 July 1885	Huggins, p. 1048.
	H. Horan	Mullen	4 Oct. 1880	J., p. 1150.
	Timothy Horan	Curran	18 Nov. 1881	{ Huggins, p. 1041. Davis, p. 1103.
	Edmund Horgan	Moybella	28 June 1880	Rice, p. 1259.
	John Horgan	Do.	Do.	Do.
	J. Hughes	Barrenty		Jays, p. 1826.
	Thomas Hurley	Kilcow	12 Sept. 1880	J., p. 1150.
	Samuel Hutchins		16 July 1880	A. G. S., p. 128.
	Jecohy		Sept. 1879	Hussey, p. 1275.
	Mrs. Jennings		27 Aug. 1887	Murphy, p. 794.
	John Joyce	Castlebar	Jan. 1881	Vereker, p. 1984.
	Kavanagh		15 Feb. 1882	A.-G. S., p. 83.
	Tim Keane	Mullen	31 Dec. 1880	Huggins, p. 1030.
	Cornelius Kearney		5 May 1886	A.-G. S., p. 313.
	James Kearney		Dec. 1881	{ Huggins, p. 1042. Davis, p. 1108.
	R. Kearney	Castleisland	16 Jan. 1880	J., p. 1150.
	Keeffe		1881	Bennett, p. 854.
	Constable Kelly		14 July 1887	Rice, p. 1250.
	Kennedy		18 July 1881	Bell, p. 556.
	Edmund Kennelly		15 Aug. 1886	Rice, p. 1248.
	Maurice Kennedy	Ballincrane		Hussey, p. 1288.
	P. Kenny	Ballymacadam	22 Nov. 1880	J., p. 1150.
	Thady Kilgannon		Dec. 1880	Bell, p. 554.
	King		1879	Mrs. C. J. Blake, p. 62.
	Matthew King(alleged)	Ballybeg	27 Sept. 1882	Huggins, p. 1065.
	Kirwan		4 Jan. 1881	A.-G. S., p. 113.
	John Lambert	Haggart	12 June 1881	{ Lambert, p. 518. Bell, p. 550.
	Aeneas Lean (alleged)		6 April 1882	Huggins, p. 1059.
	Daniel Lenahan		21 Feb. 1882	{ A.-G. S., p. 98. Huggins, p. 1043.
	Cornelius Lehane	Ballyvourney	15 Dec. 1885	Cragg, p. 1370.
	J. M. E. Lewis			Murphy, p. 792.
	Lohan		2 Jan. 1880	A.-G. S., p. 43.
	Ellen Lynch		16 Jan. 1879	Hussey, p. 1294.
	J. Lynch	Castleisland	28 Nov. 1879	J., p. 1149.
	Thomas Lyons		Aug. 1886	Rice, p. 1248.
	Thomas Madden	Athenry	8 Oct. 1880	Bell, p. 553.
	John Maddigan		1883	Lucy Thompson, p. 1610.
	Pat Mahoney	Castleisland	29 June 1879	Gilhooley, p. 1140.
	J. Mahony		16 Oct. 1881	Huggins, p. 1039.

	Person.	Place.	Date.	
OUTRAGES—cont. -	M. Mannion -	-	3 Dec. 1880	Bell, p. 554.
	Martin -	-	-	Gilhooley, 1145.
	M. McAuliffe -	-	29 June 1881	{ A.-G. S., p. 38. Huggins, p. 1034.
	Dennis McAuliffe -	Cavan -	2 Sept. 1879	J., p. 1149.
	Daniel McCarthy -	-	21 Feb. 1882	A.-G. S., p. 98.
	Wm. McCarthy -	-	Do.	Huggins, p. 1043.
	McLean -	-	30 Nov. 1882	Huggins, p. 1047.
	J. McNamara -	Ballyhinch -	9 Oct. 1886	Murphy, p. 793.
	J. M'Craith -	-	-	Gilhooley, p. 1145.
	P. M'Craith -	-	-	Do.
	R. McSweeney -	Tierbit -	27 Feb. 1886	Crane, p. 1223.
	P. M'Greaney -	Castlebar -	15 Mar. 1882	A.-G. S., p. 114.
	M. M'Hugo -	-	28 Mar. 1887	Murphy, p. 794.
	Pat Molloy -	-	5 Oct. 1882	Bell, p. 560.
	D. Monighan -	Dronulton -	25 Oct. 1880	J., p. 1150.
	James Moran -	-	15 Dec. 1881	A.-G. S., p. 113.
	Thomas Moran -	-	Do.	A.-G. S., p. 113.
	M. Moriarty -	Dromin -	5 Mar. 1885	A.-G. S., p. 312.
	W. Morrissey -	Clonshea -	16 May 1883	Bolger, p. 597.
	C. Moynihan -	-	17 July 1882	Davis, p. 1108.
	D. F. Moynihan -	Islanderry -	1881	Leonard, p. 970.
	P. M'Taghoe -	-	9 April 1882	Bell, p. 559.
	Pat M'Queany -	-	13 May 1888	Murphy, p. 795.
	Murphy -	-	3 Feb. 1887	A.-G. S., p. 274.
	Cornelius Murphy -	Cools -	20 Feb. 1887	Crane, p. 1234.
	Danl. Murphy (alleged) -	Ballybeg -	27 Sept. 1882	Huggins, p. 1065.
	Martin Murphy -	-	26 Nov. 1881	Connair, p. 622.
	Rubena Murphy -	Kilkerrin -	Feb. 1887	Murphy, p. 1484.
	Michael Murray -	-	10 Dec. 1886	Murphy, p. 793.
	David Nagle (alleged) -	Ballybeg -	27 Sept. 1882	Huggins, p. 1065.
	Pat Neeberey -	Cardal -	29 June 1879	J., p. 1149.
	Michael Nolan -	-	25 Mar. 1880	A.-G. S., p. 112.
	Thos. Norton -	-	6 April 1885	A.-G. S., p. 270.
	Mary O'Connor -	-	7 Nov. 1881	{ Davis, p. 1103. Rice, p. 1248.
	Thade O'Connor -	Ballymacquin -	27 May 1886	{ Gamble, p. 1652. A.-G. S., p. 313.
	Dominick O'Donnell -	Co. Mayo -	1881	O'Donnell, p. 1994.
	Mrs. O'Halloran -	-	12 Mar. 1887	Rice, p. 1250.
	James O'Keefe -	-	14 Feb. 1887	A.-G. S., p. 274.
	John O'Keefe -	Lisheen -	27 Nov. 1881	{ Leonard, p. 965. Drohan, p. 1750.
	O'Neill -	-	-	Flaherty, p. 742.
	O'Neil -	-	-	Mrs. C. J. Blake, p. 642.
	J. O'Sullivan -	-	27 May 1883	{ Leonard, p. 973. Crane, p. 1233.
	Chas. Perry -	Formula -	5 April 1885	A.-G. S., p. 287.
	Powell -	-	7 April 1881	Huggins, p. 1030.
	Rae -	Killeney -	30 Jan. 1886	A.-G. S., p. 313.
	John Rafferty -	Cloonmoylan -	27 May 1880	{ A.-G. S., p. 77. Rafferty, p. 497.
	Raherty -	-	-	Crane, p. 1233.
	J. Curley -	-	11 July 1883	A.-G. S., p. 99.
	Moses Reay -	-	22 June 1882	A.-G. S., p. 82.
	Cornelius Regan -	Killaba -	2 April 1887	A.-G. S., p. 275.
	Michael Reidy -	-	July 1882	Murphy, p. 1212.
	T. Reidy -	Glenhallern -	16 Nov. 1880	J., p. 1150.
	Reilly -	-	-	Bell, p. 558.
	Robinson -	Rolleston -	26 Aug. 1881	A.-G. S., p. 79.
	Michael Roche -	Causeway -	June 1882	{ Bell, 563. Buckley, p. 1694.
	J. Rourke -	Cordal -	27 Aug. 1879	J., p. 1149.
	Margaret Ryan -	-	7 Nov. 1881	Davis, p. 1103.
	Catharine Rycroft -	-	1889	Laing, p. 1421.
	William Saunders -	Carker -	13 Feb. 1881	Huggins, pp. 1030, 1072.
	Scanlan -	Longford -	-	Jago, p. 1824.
	J. Scannell -	-	Autumn 1881	Leonard, p. 972.
	Mattie Scott -	Kilmore -	Feb. 1882	Sloyne, p. 1565.
	Sheehy -	Causeway -	May 1881	Buckley, p. 1693.
	Smith -	-	4 Dec. 1880	Bell, p. 554.
	Thos. Smith -	Edenderry -	1881	Tyrrell, p. 1972.
	H. Smith -	-	Sept. 1879	Mrs. C. J. Blake, p. 642.
	Dennis Sullivan -	-	Dec. 1885	Leonard, p. 974.
	J. Sullivan -	Carker -	5 Jan. 1880	J., p. 1149.
	Jeremiah Sullivan -	-	3 Dec. 1880	A.-G. S., p. 97.
	M. Sullivan -	Landville -	22 Oct. 1878	J., p. 1149.
	George Swanton -	-	June 1881	Laing, p. 1415.
	Austin Swetenham -	Ballydehob -	Spring, 1881	Laing, p. 1420.
	Talbot -	-	18 Mar. 1880	A.-G. S., p. 97.
	Tanayhan -	-	30 Jan. 1880	A.-G. S., p. 75.
	William Thompson -	Ballymacadam -	22 Nov. 1880	J., p. 1150.
	Toughy -	-	Mar. 1887	Murphy, p. 791.
	John Talby -	-	-	Murphy, p. 794.
	Denis Tuohy -	-	22 Sept. 1879	Hussey, p. 1294.

	Person.	Place.	Date.	
OUTRAGES—cont. -	Francis Twiss	-	7 Nov. 1881	Davis, p. 1103.
	Edward Walsh	-	1 May 1882	Huggins, p. 1044.
	Rody Wheelan	-	1886	Murphy, p. 792.
	John Whelan	-	1886	Murphy, p. 793.
	John White	Kilmore	-	Ann Gallagher, p. 1563.
	Richard Williams	Ballinbeg	22 Dec. 1885	A.-G. S., p. 272.
	William Williams	Bristowfield	1 Dec. 1885	Crano, p. 1223.

OUTRAGES	-	Return of	-	J., p. 1149.
				Gamble, p. 1657.

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PAGET, MAJOR	-	Plot to shoot	-	Coleman, p. 3425.
PARNELL, ANNA	-	Spoke at Dunmanway, Aug. 7, 1881	-	A.-G. S., p. 126.
		Speech of	-	Ruttle, p. 1433.
		Letter from O'Mahony	-	Royse, p. 1447.
		Member Ladies' Land League	-	Farrigher, p. 2028.
		Letter to Mary O'Connor	-	Roger, p. 2177.
PARNELL, CHARLES STUART, M.P.		Represented by Sir Charles Russell and Mr. Asquith	-	R., p. 36.
		Letter said to be written by, May 15, 1882	-	A.-G. S., p. 42.
		Goes to America, Dec. 1879	-	A.-G. S., p. 55.
		President of Land League	-	A.-G. S., p. 59.
		In Paris, 1881	-	A.-G. S., p. 61.
		Arrested, Oct. 13, 1881	-	A.-G. S., p. 63.
		Signs No Rent Manifesto	-	A.-G. S., p. 87. 115.
		Speech at Beaufort	-	A.-G. S., p. 88.
		Speaks at Irishtown, May 1880	-	A.-G. S., p. 100.
		Spoke at Cork, Oct. 2, 1881	-	A.-G. S., p. 126.
		Spoke at Ennis, Sept. 19, 1880	-	A.-G. S., p. 129.
		Letter to (?)	-	A.-G. S., p. 137.
		Knows what Harris, Gordon, Nully, Boyton, Bronnan, Biggar, Sheridan, and Egan, had done for the Land League	-	A.-G. S., p. 166.
		Negotiations carried on between him and Parnell, 1882	-	A.-G. S., p. 166, 167.
		Released from Kilmainham	-	A.-G. S., p. 166.
		States he could control Egan, Sheridan, and Boyton	-	A.-G. S., p. 168.
		Signs manifesto against Phoenix Park murders	-	A.-G. S., p. 170.
		O'Shea will prove that he objected to sign manifesto against Phoenix Park murders	-	A.-G. S., p. 171.
		Letter from, May 15, 1882	-	A.-G. S., p. 172.
		Letter to (?) June 15, 1882	-	A.-G. S., p. 174.
		Letter to (?) June 16, 1882	-	A.-G. S., p. 175.
		Letter published in "United Ireland," July 30, 1881	-	A.-G. S., p. 177.
		Owens share in capital of "United Ireland"	-	A.-G. S., p. 179.
		Speech at Mallow, Oct. 8, 1881	-	A.-G. S., p. 181.
		Present at Land League council, met in Paris, Feb. 1881	-	A.-G. S., p. 182.
		Gives Byrne 100l. to enable him to escape	-	A.-G. S., p. 189.
		Goes to America, 1879	-	A.-G. S., p. 220.
		Present at New York Hotel conference	-	A.-G. S., p. 226.
		Speech at Cincinnati, Feb. 23, 1880	-	A.-G. S., p. 221.
		Telegram to Ford, Feb. 5, 1881	-	A.-G. S., p. 225.
		Letter to "Irish World," Sept. 1881	-	A.-G. S., p. 230.
		Letter to Irish American convention, Apr. 26, 1883	-	A.-G. S., p. 239.
		Chairman, National League	-	A.-G. S., p. 239.
		Speech at Castlebar, Nov. 3, 1885	-	A.-G. S., p. 290.
		His good opinion of Nally	-	A.-G. S., p. 291.
		Interview with O'Shea, Apr. 10, 1882	-	O'Shea, p. 377.
		Letter to O'Shea, Apr. 16, 1882	-	O'Shea, p. 378.
		Visited by O'Shea in Kilmainham	-	O'Shea, p. 380.
		Letter to O'Shea, Apr. 27, 1880	-	O'Shea, p. 381.
		Letter to O'Shea, Apr. 28, 1882	-	O'Shea, p. 384.
		O'Shea obtains police protection for him	-	O'Shea, p. 386.
		His letter of May 15, 1882, said to be genuine by O'Shea	-	O'Shea, p. 387.
		Believed by O'Shea to be opposed to dynamite and out- rage	-	O'Shea, p. 400.
		Speech at Cork, Oct. 2, 1881	-	Murphy, p. 430.

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Tried at Dublin, Dec. 1888	-	-	-	-	Irwin, p. 441.
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Letters to O'Donnell	-	-	-	-	Biale, p. 2395.
Conversation with Le Caron	-	-	-	-	Le Caron, p. 2499.
States his belief that nothing but the force of arms will ever bring about the redemption of Ireland	-	-	-	-	Le Caron, p. 2500.
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Interview with Pigott	-	-	-	-	Pigott, p. 3072.
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Application to inspect account of, at National Bank	-	-	-	-	A.-G., p. 3417.
Examined by Mr. Asquith	-	-	-	-	p. 3875-3937.
Denies having ever belonged to any secret society	-	-	-	-	Parnell, p. 3877.
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Speech at Boston, Jan. 12, 1880	-	-	-	-	Parnell, p. 3893.
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Denies being present at Harris' "partridge shooting" speech	-	-	-	-	Parnell, p. 3909.
Denies giving photograph to Le Caron	-	-	-	-	Parnell, p. 3915.
Letter to Davitt, May 5, 1882	-	-	-	-	Parnell, p. 3922.
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Evidence about "5 dollars for bread, and 20 for lead"	-	-	-	-	Parnell, p. 3988.
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	-	-	-	-	p. 4245-4247.
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Letter to Matt. Harris, Mar. 17, 1883	-	-	-	-	Harris, p. 6100.
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RILEY, MARTIN	Treasurer of branch of Land League	-	-	-	-	Keaveney, p. 811.
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ROANE, THADY	Murdered with John H. Blake	-	-	-	-	Mrs. H. J. Blake, p. 682.
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ROBINSON, JOHN L.	Examined by Mr. Harrington Examined by Mr. Davitt	-	-	-	-	p. 5968-5969. p. 5969.

ROBINSON	-	-	and Greeney voluntarily surrendered a farm. Their suc-	-	-	-	-	-	A.-G. S., p. 78.
ROCHE, JOHN	-	-	Speech at Woodford, Dec. 18, 1885	-	-	-	-	-	A.-G. S., p. 301.
			Present at meeting at Abbey, February 1887	-	-	-	-	-	Murphy, p. 776.
			On committee of Land League	-	-	-	-	-	Noonan, p. 783.
			Examined by Sir C. Russell	-	-	-	-	-	p. 4475-4486.
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			Examined by Mr. Biggar	-	-	-	-	-	p. 4486.
			Cross-examined by Attorney-General	-	-	-	-	-	p. 4486-4517.
			Re-examined by Sir C. Russell	-	-	-	-	-	p. 4517-4527.
ROCHE, FATHER	-	-	Incites Lewis' tenants	-	-	-	-	-	Lewis, p. 511.
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			Examined by Mr. Atkinson	-	-	-	-	-	p. 2301-2305.
			Cross-examined by Sir C. Russell	-	-	-	-	-	p. 2305-2310.
			Re-examined by Attorney-General	-	-	-	-	-	p. 2310-2312.
ROCHFORD, JOHN	-	-	Dispossessed for nonpayment of rent	-	-	-	-	-	Flanagan, p. 749.
RODAN	-	-	Examined by Mr. Murphy	-	-	-	-	-	p. 2788.
			Cross-examined by Mr. Lockwood	-	-	-	-	-	p. 2788.
			Cross-examined by Mr. Davitt	-	-	-	-	-	p. 2788, 2789.
			Re-examined by Sir H. James	-	-	-	-	-	p. 2789, 2790.
RODERICK	-	-	Defends Crowley	-	-	-	-	-	Leonard, p. 996.
RODGERS, PAT	-	-	Evicted	-	-	-	-	-	Onan, p. 663.
ROGER, S. B.	-	-	Examined by Mr. Atkinson	-	-	-	-	-	p. 2176-2178.
			Cross-examined by Sir C. Russell	-	-	-	-	-	p. 2178, 2179.
ROLLS, HENRY	-	-	Phoenix Park murderer	-	-	-	-	-	Molloy, p. 1508.
RONAN	-	-	Appears for Defendants in O'Donnell v. Walter	-	-	-	-	-	A.-G. S., p. 36.
			Examines Mary Dempsey	-	-	-	-	-	p. 505-506.
			Examines Coursey	-	-	-	-	-	p. 525-529.
			Examines Beattie	-	-	-	-	-	p. 533.
			Examines McNally	-	-	-	-	-	p. 533.
			Examines Gibbons	-	-	-	-	-	p. 534.
			Examines Botherill	-	-	-	-	-	p. 604-605.
			Examines Conway	-	-	-	-	-	p. 630.
			Examines Small	-	-	-	-	-	p. 635.
			Examines Small (Junior)	-	-	-	-	-	p. 637.
			Examines Hughes	-	-	-	-	-	p. 676.
			Examines Mrs. O'Flaherty	-	-	-	-	-	p. 691.
			Examines O'Flaherty	-	-	-	-	-	p. 692.
			Examines Langford	-	-	-	-	-	p. 623.
			Examines Roughan	-	-	-	-	-	p. 724, 725.
			Examines Donohoe	-	-	-	-	-	p. 773, 774.
			Examines Murphy	-	-	-	-	-	p. 776, 777.
			Examines Mogan	-	-	-	-	-	p. 826, 827.
			Examines Gannon	-	-	-	-	-	p. 832.
			Examines Bennett	-	-	-	-	-	p. 853, 854.
			Examines W. Williams	-	-	-	-	-	p. 905-909.
			Examines H. Williams	-	-	-	-	-	p. 910-911.
			Examines Horgan	-	-	-	-	-	p. 1154.
			Examines Stretton	-	-	-	-	-	p. 1156.
			Examines Blake	-	-	-	-	-	p. 1164.
			Examines McAuliff	-	-	-	-	-	p. 1215, 1216.
			Examines Hayes	-	-	-	-	-	p. 1264, 1265.
			Examines Regan	-	-	-	-	-	p. 1399-1400.
			Examines Kelleher	-	-	-	-	-	p. 1490-1491.
			Examines Brown	-	-	-	-	-	p. 1545-1547.
			Examines Scott	-	-	-	-	-	p. 1548-1549.
			Examines Dillon	-	-	-	-	-	p. 1577.
			Examines Tatlow	-	-	-	-	-	p. 1582-1585.
			Examines Lopdell	-	-	-	-	-	p. 2405.
			Examines Backat	-	-	-	-	-	p. 2405, 2406.
			Examines Power	-	-	-	-	-	p. 2406.
			Examines Creaghe	-	-	-	-	-	p. 2407, 2408.
			Examines Woollacott	-	-	-	-	-	p. 2934.
			Examines Michael Walsh	-	-	-	-	-	p. 3355.
			Examines Mrs. Walsh	-	-	-	-	-	p. 3356.
			Cross-examines T. P. O'Connor	-	-	-	-	-	p. 5230-5265.
RONYER, MADAM J.	-	-	99, Avenue de Villiers. Mentioned in Egan's letter, Feb. 24, 1881	-	-	-	-	-	A.-G. S., p. 61.
RORY OF THE HILLS	-	-	Notice of	-	-	-	-	-	A.-G. S., p. 97.
ROSSA, JOHN	-	-	Present at meeting to welcome Condon and Meledy	-	-	-	-	-	A.-G. S., p. 206.
ROSSA, O'DONOVAN	-	-	Spoke at Brady anniversary	-	-	-	-	-	A.-G. S., p. 245.
			Flanagan gives money to	-	-	-	-	-	Flanagan, p. 752.

ROSSA TESTIMONIAL	-	Criticised	-	-	-	-	-	A.-G. S., p. 193.
ROSSCAHILL	-	Destitution at	-	-	-	-	-	Ives, p. 571.
ROUGHAN	-	Examined by Mr. Ronan	-	-	-	-	-	p. 724, 725.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 725, 726.
ROUNDFOORD	-	Meeting at, Apr. 10, 1880	-	-	-	-	-	A.-G. S., p. 110.
ROURKE, J.	-	Hay destroyed	-	-	-	-	-	J., p. 1149.
ROURKE, THOMAS	-	In "inner circle"	-	-	-	-	-	O'Connor, p. 1338.
ROWE, E. J.	-	President of a branch of the American League	-	-	-	-	-	A.-G. S., p. 202.
	-	Article in "Irish World"	-	-	-	-	-	A.-G. S., p. 235.
	-	Present at Brady Anniversary	-	-	-	-	-	A.-G. S., p. 244.
	-	Present at Manchester Martyrs' Anniversary	-	-	-	-	-	A.-G. S., p. 250.
ROYSE, G. C.	-	Examined by Mr. Murphy	-	-	-	-	-	p. 1442-1450.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 1450-1451.
ROYTON	-	Present at Irishtown meeting, May 1880	-	-	-	-	-	A.-G. S., p. 102.
RUANE, JOHN	-	A Fenian and member of Land League	-	-	-	-	-	Mannion, p. 733.
RUANE, PAT	-	A Fenian member of Land League at Letterfrack	-	-	-	-	-	Mannion, p. 726.
RUANE, THOMAS	-	Plot to shoot	-	-	-	-	-	Coleman, p. 3425.
RUDDEN, MATTHEW	-	Examined by Mr. Atkinson	-	-	-	-	-	p. 594.
	-	Arrests Kerrigan	-	-	-	-	-	Rudden, p. 594.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 594.
RUDDEN, MATTHEW	-	Examined by Sir H. James	-	-	-	-	-	p. 817-818.
	-	Cross-examined by Sir C. Russell	-	-	-	-	-	p. 818-819.
	-	Cross-examined by Mr. Davitt	-	-	-	-	-	p. 819-822.
RUSNA, TERENCE	-	Visits Brown	-	-	-	-	-	O'Brien, p. 1162.
RUSSELL, ARTHUR	-	Appears for a number of M.P.'s	-	-	-	-	-	Reid, p. 36.
	-	Examines Father Fahy	-	-	-	-	-	p. 4362-4364.
	-	Examines Jennings	-	-	-	-	-	p. 4410-4411.
	-	Re-examines Jennings	-	-	-	-	-	p. 4422-4425.
	-	Examines McNerney	-	-	-	-	-	p. 4468-4469.
	-	Examines Hanify	-	-	-	-	-	p. 4585.
	-	Examines Father Stuart	-	-	-	-	-	p. 4808.
	-	Examines Michael Kileen	-	-	-	-	-	p. 4814.
	-	Examines Father Murray	-	-	-	-	-	p. 4878-4880.
	-	Re-examines Father Murphy	-	-	-	-	-	p. 4909, 4910.
	-	Examines Father Godley	-	-	-	-	-	p. 5137, 5138.
	-	Examines D. F. O'Connor	-	-	-	-	-	p. 5144-5148.
	-	Examines Father Kelly	-	-	-	-	-	p. 5472-5475.
	-	Examines P. J. Foley, M.P.	-	-	-	-	-	p. 5947-5948.
	-	Examines Wm. Foley	-	-	-	-	-	p. 5967.
	-	Examines T. J. Condon, M.P.	-	-	-	-	-	p. 5970-5971.
RUSSELL, SIR CHAS.	-	Appears with Mr. Asquith for Mr. Parnell	-	-	-	-	-	R., p. 36.
	-	Cross-examines O'Shea	-	-	-	-	-	p. 390-415, 429.
	-	Cross-examines Irwin	-	-	-	-	-	p. 434-445.
	-	Cross-examines O'Mally	-	-	-	-	-	p. 463-469.
	-	Cross-examines Ives	-	-	-	-	-	p. 488-490.
	-	Cross-examines Rafferty	-	-	-	-	-	p. 497-499.
	-	Cross-examines Barry	-	-	-	-	-	p. 501-504.
	-	Cross-examines Annie Blaquiare	-	-	-	-	-	p. 537.
	-	Cross-examines Welch	-	-	-	-	-	p. 539-540.
	-	Cross-examines Barry	-	-	-	-	-	p. 543-546.
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	-	Cross-examines Huddy	-	-	-	-	-	p. 590.
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	-	Cross-examines Rudden	-	-	-	-	-	p. 594.
	-	Cross-examines Kidd	-	-	-	-	-	p. 594.
	-	Cross-examines Bolger	-	-	-	-	-	p. 598-600.
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	-	Cross-examines Kelly	-	-	-	-	-	p. 603-604.
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	-	Cross-examines Hagney	-	-	-	-	-	p. 613-616.
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	-	Cross-examines Beauchamp	-	-	-	-	-	p. 628.
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	-	Cross-examines Mrs. C. J. Blake	-	-	-	-	-	p. 647-651.
	-	Cross-examines Keen	-	-	-	-	-	p. 659.
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	Cross-examined by Sir C. Russell	-	-	-	-	p. 636, 637.
SMALL, PATRICK (JUNIOR)	Examined by Mr. Ronan	-	-	-	-	p. 637.
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SMITH, GEO.	Phoenix Park murderer	-	-	-	-	Molloy, p. 1508.
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SMITH, S. E.	Examined by Mr. Murphy	-	-	-	-	p. 1688.
	Cross-examined by Sir C. Russell	-	-	-	-	p. 1688-1689.
	Cross-examined by Mr. Davitt	-	-	-	-	p. 1689.
	Re-examined by Sir H. James	-	-	-	-	p. 1689-1690.
SMITH, THOMAS	Shot	-	-	-	-	Tyrrell, p. 1972.
SMYTH, H.	Cattle injured	-	-	-	-	Mrs. C. J. Blake, p. 642.
	Examined by Mr. Murphy	-	-	-	-	p. 656-658.
SOAMES, J.	Examined by Attorney-General	-	-	-	-	p. 2853-2889.
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	Examined by Sir H. James	-	-	-	-	p. 3521.
		-	-	-	-	p. 3568-3570.
	Cross-examined by Sir C. Russell	-	-	-	-	p. 2882-2899.
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		-	-	-	-	p. 3262-3266.
	Cross-examined by Mr. Reid	-	-	-	-	p. 3468.
		-	-	-	-	p. 3570-3576.
	Cross-examined by Mr. Lockwood	-	-	-	-	p. 3468-3471.
	Cross-examined by Mr. Biggar	-	-	-	-	p. 3576.

SOAMES, J.— <i>cont.</i>	Re-examined by Attorney-General	-	-	-	p. 2926-2933. p. 3219, 3220. p. 3266. p. 3471. p. 3576.
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	Letter from Ferguson	-	-	-	Soames, p. 3210 <i>et seq.</i>
	Correspondence with Pigott	-	-	-	Soames, 3568 <i>et seq.</i>
	Correspondence with Coffey	-	-	-	p. 5996-6004.
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	Cross-examined by Mr. Sexton	-	-	-	
SOMERVILLE	An inspector mentioned by Hennessey	-	-	-	Hennessey, p. 723.
SPAINE, WINFRED	Threatening notice	-	-	-	Murphy, p. 794.
SPARLING, G. C.	Refused to supply Onan with bread	-	-	-	Onan, p. 663.
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SPIDDAL	Destitution at	-	-	-	Ives, p. 571.
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STANDON, JAMES	Boycotted	-	-	-	Slack, p. 2316.
STANTON, AUSTIN	An agitator	-	-	-	Keogh, p. 690.
STAR CHAMBER COURT	Held at Killeenagh	-	-	-	Kennedy, p. 712.
STARKIE, R. F.	Examined by Sir H. James	-	-	-	p. 1370-1373.
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	Cross-examined by Mr. Lockwood	-	-	-	p. 1373-1374.
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	Cross-examined by Mr. Biggar	-	-	-	p. 1375-1376.
STAUGHTON, MRS.	Owned property at Ballyorgan	-	-	-	Herbert, p. 860.
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STEPHENS	His escape from Richmond Gaol aided by Dr. Breslin	-	-	-	A.-G. S., p. 202.
STEWART, W. J.	Molloy's employer	-	-	-	Molloy, p. 1504.
STORMONT	Reports Boyton's speech at Burraduff	-	-	-	A.-G. S., p. 91.
STRETTON, THOMAS	Examined by Mr. Atkinson	-	-	-	p. 901.
	Examined by Mr. Ronan	-	-	-	p. 1156.
STRITCH, CLARA	Member Ladies' Land League	-	-	-	Farrigher, p. 2029.
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	Cross-examined by Sir C. Russell	-	-	-	p. 2019-2021.
	Cross-examined by Mr. Reid	-	-	-	p. 2021.
	Cross-examined by Mr. Davitt	-	-	-	p. 2021, 2022.
	Re-examined by Mr. Atkinson	-	-	-	p. 2022.
SULLIVAN	Shot by Curtin	-	-	-	L. Curtin, p. 928.
	Evicted	-	-	-	Mary Regan, p. 1263.
SULLIVAN, ALEX.	Spoke at Philadelphia, Apr. 25, 1883	-	-	-	A.-G. S., p. 241.
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SULLIVAN, BRYAN	Threatening notice	-	-	-	Davis, p. 1108.
SULLIVAN, CORNELIUS	Intimidated	-	-	-	Davis, p. 1105.
SULLIVAN, DENNIS	Shot	-	-	-	Leonard, p. 974.
SULLIVAN, DONAL, M.P.	Examined by Mr. Reid	-	-	-	p. 5546, 5547.
	Cross-examined by Sir H. James	-	-	-	p. 5547-5550.
	Re-examined by Mr. Reid	-	-	-	p. 5550, 5551.
SULLIVAN, J.	Assaulted	-	-	-	J., p. 1149.
SULLIVAN, JEREMIAH	House fired into, Dec. 1880	-	-	-	A.-G. S., p. 97.
	Examined by Mr. Murphy	-	-	-	p. 1209.
	Cross-examined by Mr. Lockwood	-	-	-	p. 1210.
	Cross-examined by Mr. Asquith	-	-	-	p. 1210.
	Cross-examined by Mr. Davitt	-	-	-	p. 1210.
	Cross-examined by Mr. Reid	-	-	-	p. 1211.
	Re-examined by Attorney-General	-	-	-	p. 1211.

SULLIVAN, JOHN	-	Tenant of Mrs. Staughton	-	-	-	-	Herbert, p. 861.
		Assaulted	-	-	-	-	Hussey, p. 1294.
		Examined by Mr. Murphy	-	-	-	-	p. 1424-1425.
		Cross-examined by Sir C. Russell	-	-	-	-	p. 1425-1426.
SULLIVAN, M.	-	Ass stolen	-	-	-	-	J., p. 1149.
SULLIVAN, MARTIN	-	Secretary of Land League	-	-	-	-	Herbert, p. 858.
SULLIVAN, PAT	-	Examined by Attorney-General	-	-	-	-	p. 844-846.
		Cross-examined by Sir C. Russell	-	-	-	-	p. 846-848.
		Cross-examined by Mr. Davitt	-	-	-	-	p. 848.
		Re-examined by Attorney-General	-	-	-	-	p. 848-850.
		Examined by Mr. Atkinson	-	-	-	-	p. 891.
		Cross-examined by Mr. Lockwood	-	-	-	-	p. 892.
		Intimidated	-	-	-	-	Davis, p. 1106.
		Intimidated	-	-	-	-	Hussey, p. 1293.
SULLIVAN, T. D., M.P.	-	Spoke at Ennis, Sept. 19, 1880	-	-	-	-	A.-G. S., p. 129.
		Speech at Kilbrennon	-	-	-	-	J., p. 2197.
		Examined by Mr. Reid	-	-	-	-	p. 4772-4781.
		Editor of "Nation"	-	-	-	-	Sullivan, p. 4772.
		Cross-examined by Mr. Murphy	-	-	-	-	p. 4781-4804.
		Re-examined by Mr. Reid	-	-	-	-	p. 4804-4807.
SWANTON, GEORGE	-	Shot at	-	-	-	-	Laing, p. 1415.
SWANTON, G. H.	-	Examined by Mr. Murphy	-	-	-	-	p. 1423-1424.
		Cross-examined by Sir C. Russell	-	-	-	-	p. 1424.
SWEENEY	-	Speaks at Clooneal, Sept. 1880	-	-	-	-	A.-G. S., p. 106.
SWEENEY	-	Evicted	-	-	-	-	Lady Mountmorres. p. 813.
SWEENEY, BERNARD	-	Boycotted	-	-	-	-	Wynne, p. 1761.
SWEENEY, DANIEL	-	Examined by Sir H. James	-	-	-	-	p. 1361-1362.
		Cross-examined by Mr. Reid	-	-	-	-	p. 1362.
SWEENEY, H.	-	Letter to Molony	-	-	-	-	Farrigher, p. 2051.
SWEENEY JOHN	-	Present at meeting at Craughwell, 1880	-	-	-	-	Irwin, p. 373.
SWEENEY, ROBERT	-	Examined by Mr. Hart	-	-	-	-	p. 5969.
		Cross-examined by Atkinson	-	-	-	-	p. 5969.
		Re-examined by Mr. Hart	-	-	-	-	p. 5969.
SWEENEY	-	Arrested for murder of Connors	-	-	-	-	Barry, p. 545.
SWEENEY, PAT	-	Concerned in murder of Lord Mountmores	-	-	-	-	Burke, p. 1456
SWETENHAM, AUSTIN	-	Hay burnt	-	-	-	-	Laing, p. 1420.
SWINEFORD	-	Destitution at	-	-	-	-	Ives, p. 572.
SWINN, DANIEL	-	Caretaker for Hegarty	-	-	-	-	Hegarty, p. 1307.
SWORDS	-	Meeting at, June 1887	-	-	-	-	J., p. 2267.

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TALBOT	-	Shot at for taking a vacant farm	-	-	-	-	A.-G. S., p. 97.
TALLOWROSS	-	Horses' tails stripped at	-	-	-	-	Bell, p. 557.
TANGNEY, JOHN	-	Intimidated	-	-	-	-	Davis, p. 1104.
TANGNEY, PATRICK	-	Murdered, June 3, 1886	-	-	-	-	A.-G. S., p. 314.
TANNEN	-	Rafferty's landlord	-	-	-	-	Rafferty, p. 497.
TANNER, DR., M.P.	-	Speech, August 23, 1885	-	-	-	-	A.-G. S., p. 257.
		Speech at Coachford, November 8, 1885	-	-	-	-	A.-G. S., p. 239.
		Speech at Mill Street, December 15, 1885	-	-	-	-	A.-G. S., p. 260.
		Speech at Molly McCarthy's Bridge	-	-	-	-	A.-G. S., p. 263.
		Speeches followed by outrages	-	-	-	-	A.-G. S., p. 270.
		Present at trial of dynamiters at Cork, November 29, 1886	-	-	-	-	A.-G. S., p. 273.
		Speech at Macgulty's Bridge	-	-	-	-	Cremin, p. 1497.
		Evidence about	-	-	-	-	p. 2116.
		Cross-examined by Mr. Murphy	-	-	-	-	p. 6125-6148.

TANNER, K. D.	-	Examined by Attorney-General	-	-	-	p. 1807-1814.
		Cross-examined by Sir C. Russell	-	-	-	p. 1814-1820.
		Cross-examined by Mr. Davitt	-	-	-	p. 1820-1821.
		Re-examined by Attorney-General	-	-	-	p. 1821-1822.
TANNYHAN	-	Assaulted for paying his rent, January 2, 1880	-	-	-	A.-G. S., p. 76.
TARBERT	-	Reports of National League meetings at	-	-	-	Gamble, p. 1667.
TARPEY, STEPHEN	-	Examined by Mr. Hart	-	-	-	p. 4330-4331.
		Cross-examined by Sir H. James	-	-	-	p. 4331-4336.
		Evidence about Walter Burke	-	-	-	Tarpey, p. 4330 <i>et seq.</i>
		Re-examined by Mr. Lockwood	-	-	-	p. 4336-4337.
TARLETON, JOHN	-	Tried for outrage on Kelleher	-	-	-	Kelleher, p. 1491.
TATHAM, ALGERNON	-	Examined by Attorney-General	-	-	-	p. 6221-6223.
TATLOW, E. H.	-	Examined by Mr. Ronan	-	-	-	p. 1582-1585.
		Petitions from tenants	-	-	-	Tatlow, p. 1582.
		Letter from O'Donnell	-	-	-	Tatlow, p. 1584.
		Cross-examined by Sir C. Russell	-	-	-	p. 1585-1586.
		Cross-examined by Mr. Reid	-	-	-	p. 1586-1587.
		Re-examined by Sir H. James	-	-	-	p. 1587-1588.
TEAHAN	-	Examined by Mr. Atkinson	-	-	-	p. 1084-1089.
		Cross-examined by Mr. Reid	-	-	-	p. 1089-1090.
		Re-examined by Sir H. James	-	-	-	p. 1090-1091.
TEEVNACREEVA	-	Meeting at, May 30, 1880	-	-	-	J., p. 2192.
TEMPLEMORE	-	Meeting at, Oct. 10, 1880	-	-	-	J., p. 2196.
TENOR	-	See P. W. Nally.				
THACKWELL, COLONEL	-	Lends a horse to Williams	-	-	-	O'Brien, p. 1393.
THAVIES, GENERAL CARROLL.	-	Said to have threatened Mulqueeny	-	-	-	O'Shea, p. 401.
THOMPSON	-	See Tynan.				
		Was M'Closkey, not Tynan	-	-	-	Adams, p. 5921.
THOMPSON, LUCY	-	Examined by Sir H. James	-	-	-	p. 1600-1611.
		Cross-examined by Sir C. Russell	-	-	-	p. 1611-1616.
						p. 1617-1621.
		Cross-examined by Mr. Lockwood	-	-	-	p. 1621-1622.
		Re-examined by Sir H. James	-	-	-	p. 1622-1628.
						p. 1629-1630.
		Cross-examined by Mr. Reid	-	-	-	p. 1628.
THOMPSON, WM.	-	Robbed of arms	-	-	-	J., p. 1150.

—	Person.	Place.	Date.	—
THREATENING LETTERS TO	Thomas Babington	-	27 Aug. 1882	Davis, p. 1108.
	William Babington	-	27 Aug. 1882	Davis, p. 1108.
	Captain Boycott	Lough Mask	— 1879	Boycott, p. 1637.
	Dennis Bradley	-	13 Aug. 1882	Davis, p. 1108.
	Tim Brosnam	-	17 May 1882	Davis, p. 1108.
	Mrs. Brown	Carrigahorig	28 Dec. 1880	Bell, p. 556.
	James Burke	Kinvarra	— 1886	Keogh, p. 690.
	M. Clark	Tipperary	28 Dec. 1880	Bell, p. 555.
	M. Clasby	Claughwell	11 June 1881	Bell, p. 556.
	John Collins	-	17 July 1882	Davis, p. 1108.
	Dennis Corbett	-	17 Nov. 1880	Bell, p. 553.
	Michael Costello	-	14 Sept. 1882	Davis, p. 1109.
	Sir M. Crofton	Co. Galway	28 Jan. 1881	Bell, p. 556.
	Martin Cummins	Co. Galway	29 Jan. 1879	Creigh, p. 767.
	Oliver Dolphin	Co. Galway	5 July 1879	Creigh, p. 767.
	John Donoghue	-	16 June 1821	Bell, p. 556.
	James Erraght	-	25 April 1882	Davis, p. 1107.
	Galvin	Ahascragh	17 Dec. 1880	Bell, p. 554.
	John Galway	-	17 July 1882	Davis, p. 1108.
	Glancy	Co. Galway	5 July 1879	Creigh, p. 767.
	M. Hanlan	Loughrea	18 Dec. 1880	Bell, p. 555.
	James Harner	-	18 July 1882	Davis, p. 1108.
	Jeremiah Hegarty	Millstreet	— Sept. 1882	Hegarty, p. 1303.
	Henry Hnngerford	-	27 Aug. 1882	Davis, p. 1108.
	Pat Kearney	-	7 Mar. 1883	Davis, p. 1109.
	Madden	Co. Galway	13 Mar. 1879	Creigh, p. 767.
	James Maloney	-	22 July 1882	Davis, p. 1108.
	T. Mannion	-	15 Dec. 1880	Bell, p. 554.
	David Nagle	-	27 Sept. 1882	Davis, p. 1109.
	Dennis O'Connor	-	27 April 1882	Davis, p. 1107.

	Person.	Place.	Date.	
THREATENING LETTERS TO— <i>cont.</i>	Julia O'Connor	-	-	Hussey, p. 1275.
	Orpin	-	-	Crane, p. 1223.
	Ewd. Prindiville	-	11 July 1882	Davis, p. 1108.
	Cornelins Regan	Kilabraham	10 Feb. 1886	Regan, p. 1399.
	M. S. Reidy	-	28 May 1882	Davis, p. 1107.
	Kate Sheehan	-	28 April 1882	Davis, p. 1107.
THREATENING NOTICES	Hentry Andrews	Farran	1 Nov. 1880	J., p. 1150.
	James Anstin	-	3 Oct. 1881	Huggins, p. 1099.
	Joan Bible	-	-	O'Brien, p. 1399.
	James Black	-	15 May 1882	Davis, p. 1107.
	Edward Boyle	Cordal	14 May 1881	Huggins, p. 1034.
	John Brosnan	-	5 Feb. 1882	Huggins, p. 1042.
	Michael Callaghan	-	14 May 1882	Davis, p. 1107.
	Carter	-	25 Mar. 1879	Creigh, p. 767.
	Daniel Casey	-	11 Mar. 1882	Davis, p. 1106.
	Coady	-	-	O'Brien, p. 1398.
	M. Colclough	Craughwell	1 Nov. 1880	Bell, p. 553.
	M. Collins	-	9 July 1882	Davis, p. 1108.
	M. Connell	-	2 Feb. 1882	Davis, p. 1105.
	Timothy Connell	-	7 May 1882	Davis, p. 1107.
	John Connor	-	21 Sept. 1882	Davis, p. 1109.
	T. Coonhan	Knockabur.	9 Nov. 1880	J., p. 1150.
	Maurice Costello	Co. Tipperary	- Feb. 1882	Huggins, p. 1045.
	Walter Costelloe	-	10 Nov. 1881	Huggins, p. 1039
	Daniel Cotter	-	7 May 1882	Davis, p. 1107.
	Timothy Devine	-	5 Feb. 1882	Davis, p. 1105.
	Norah Duggan	-	9 July 1882	Davis, p. 1108.
	Lord Dnnsandle	-	8 Aug. 1881	Bell, p. 557.
	James Eraght	-	25 April 1882	Huggins, p. 1044.
	John Fitzgerald	-	4 April 1882	Davis, p. 1106.
	Thomas Geldy	Ballinrobe	6 Dec. 1880	Elliot, p. 1640.
	Gillighan	-	15 Aug. 1881	Bell, p. 557.
	Arthur Gloster	-	6 Feb. 1882	Davis, p. 1105.
	John Griffin	-	- Jan. 1881	{ Gilhooly, p. 1145. J., p. 1150.
	L. Griffin	Kilfalniga	18 Sept. 1880	J., p. 1150.
	L. Hickey	-	9 Sept. 1882	Davis, p. 1109.
	Hughes	Ardrahan	{ 16 Nov. 1884 16 Jan. 1886	{ Charlton, p. 769.
	S. M. Hussey	-	17 Mar. 1882	Davis, p. 1106.
	Frank Joyce	-	17 Feb. 1882	Bell, p. 559.
	Daniel Keefe	-	5 Feb. 1882	Huggins, p. 1042.
	Kencolley	-	- Jan. 1881	Gilhooly, p. 1145.
	Timothy Kerin	-	16 Mar. 1883	Davis, p. 1110
	Kyne	Roundstone	29 Dec. 1879	Preston, p. 582.
	John Lambert	Craughwell	6 Dec. 1882	Bell, p. 551.
	Mary Leahy	Brosna	- Jan. 1882	Davis, p. 1104.
	Dennis Leary	-	5 Feb. 1882	Huggins, p. 1042.
	Dennis Leather	-	- Feb. 1882	Huggins, p. 1045.
	Lowry	Ballynoonah	- Feb. 1880	Rudden, p. 821.
	Daniel Lyons	-	1 May 1882	Davis, p. 1107.
	Michael Lyons	-	7 Jan. 1881	Fitzsimon, p. 1557.
	Robert McCowen	-	17 Mar. 1882	Davis, p. 1106.
	Myles McSweeney	-	10 May 1882	Davis, p. 1107.
	Pat Mitchell	-	24 Jan. 1887	Murphy, p. 794.
	Morning	-	25 Sept. 1881	Bell, p. 558.
	Mary Murphy	-	9 Sept. 1882	Davis, p. 1109.
	Timothy Murphy	-	27 Jan. 1882	Davis, p. 1105.
	Nieland	-	12 Aug. 1882	Bell, p. 560.
	Pat O'Brien	-	2 Feb. 1882	Davis, p. 1105.
	Dennis O'Connor	-	27 Apr. 1882	Davis, p. 1107.
	Thomas O'Donnell	Drounavalla	10 Sept. 1886	Shea, p. 1201.
	P. S. O'Malley	Ballinrobe	6 Dec. 1880	Elliot, p. 1640.
	R. H. Orpen	Killala	- 1885	Williams, p. 909.
	Thomas Pegley	-	- Nov. 1881	Davis, p. 1103.
	Patsy Power	-	- July 1882	Huggins, p. 1046.
	Maurice Quinlan	-	2 May 1882	Davis, p. 1107.
	George Raymund	Cordal	8 Aug. 1880	J., p. 1150.
	Mike Riley	-	5 Nov. 1881	Bell, p. 558.
	Riley	-	- 1881	Bingham, p. 1535.
	Michael Roche	Killascoppe	3 Dec. 1880	Bell, p. 554.
	W. M. Saunders	-	11 Mar. 1882	Davis, p. 1106.
	N. Shaughhassey	-	7 Oct. 1881	Bell, p. 558.
	Bessie Sheehan	Brosna	26 April 1882	Davis, p. 1107.
	Jeremiah Sheehan	Tillancoora	- 1887	Leonard, p. 989.
	Kate Sheehan	Brosna	28 April 1882	Davis, p. 1107.
	John Sheehy	-	9 Jan. 1882	Davis, p. 1104.
	Winifred Spaine	-	24 Jan. 1887	Murphy, p. 794.
	Brian Sullivan	-	16 July 1882	Davis, p. 1108.

THREATENING POSTED AT	NOTICES							
		Clune Clough	-	-	-	-	-	Huggins, p. 1041.
		Craughwell	-	-	-	-	-	Bell, p. 551, 553.
		Killam	-	-	-	-	-	Mogan, p. 826.
		Killecummore	-	-	-	-	-	Bell, p. 551.
		Kilmorey	-	-	-	-	-	Huggins, p. 1047.
		Knockbrack	-	-	-	-	-	Bell, p. 550.
THURLES	-	Meeting at, Nov. 14, 1880	-	-	-	-	-	J., p. 2196.
TIERBIT	-	Outrage at	-	-	-	-	-	Crane, p. 1223.
TIGHE, R. D.	-	Examined by Attorney-General	-	-	-	-	-	p. 2396-2400.
		Letters from McGough	-	-	-	-	-	Tighe, p. 2398.
		Cross-examined by Sir C. Russell	-	-	-	-	-	p. 2401.
TILLANCOORA	-	Sheehan lived at	-	-	-	-	-	Leonard, p. 989.
TOBIN	-	Boycotted	-	-	-	-	-	Slack, p. 2332.
TOBIN, JOHN	-	Papers found	-	-	-	-	-	Withers, p. 2389.
TOBIN, DENIS	-	Examined by Attorney-General	-	-	-	-	-	p. 2095-2103.
		A moonlighter	-	-	-	-	-	Tobin, p. 2095.
		Cross-examined by Sir C. Russell	-	-	-	-	-	p. 2103-2112.
		Re-examined by Attorney-General	-	-	-	-	-	p. 2115, 2116.
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Y.

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YOUNG, G. L. -	-	Examined by Mr. Murphy -	-	-	-	-	-	p. 1962-1964.
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		Cross-examined by Mr. Davitt -	-	-	-	-	-	p. 1965, 1966.
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Z.

ZEEHY -	-	Murdered, August 20 1882 -	-	-	-	-	-	A.-G. S., p. 99.
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1840
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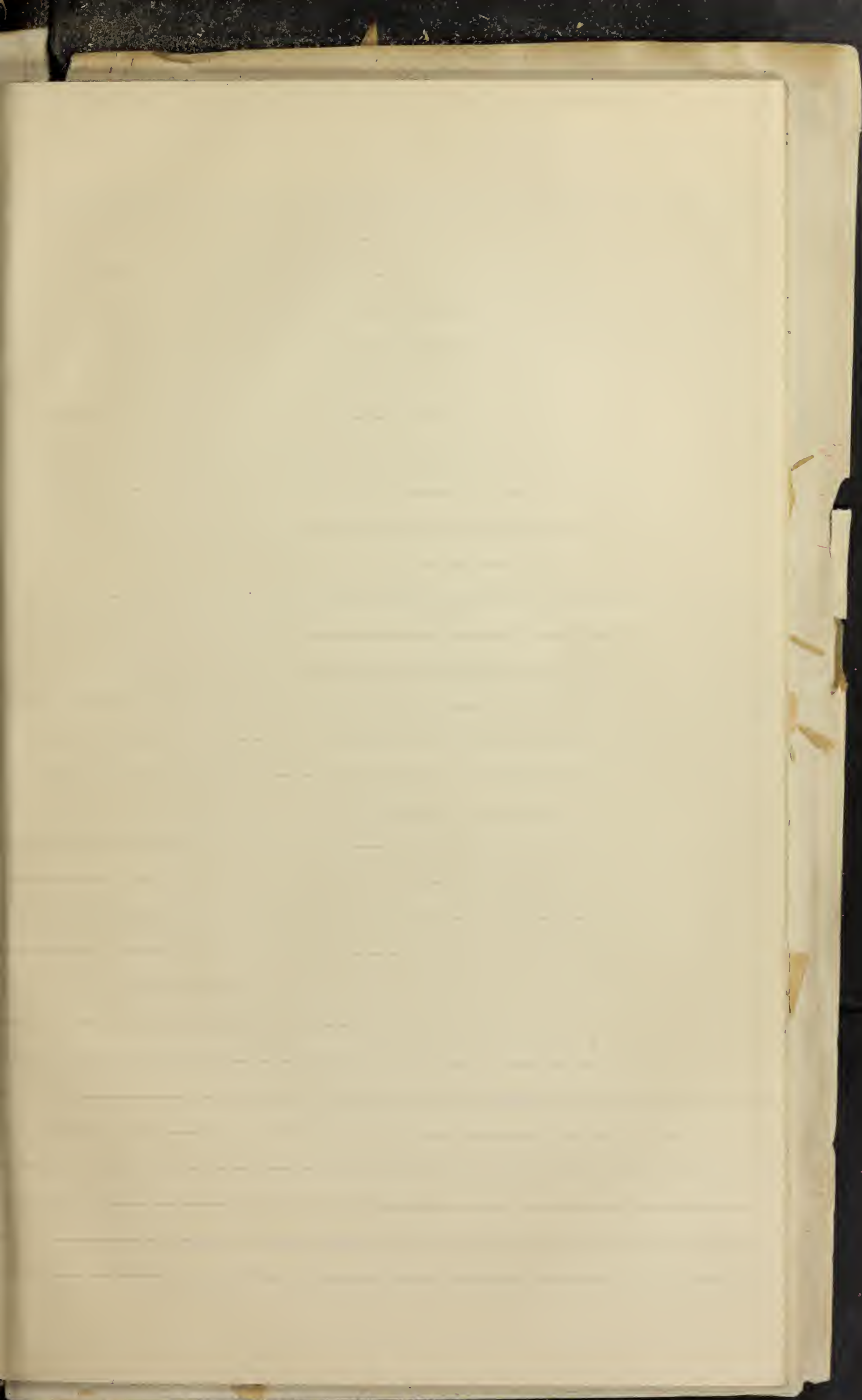
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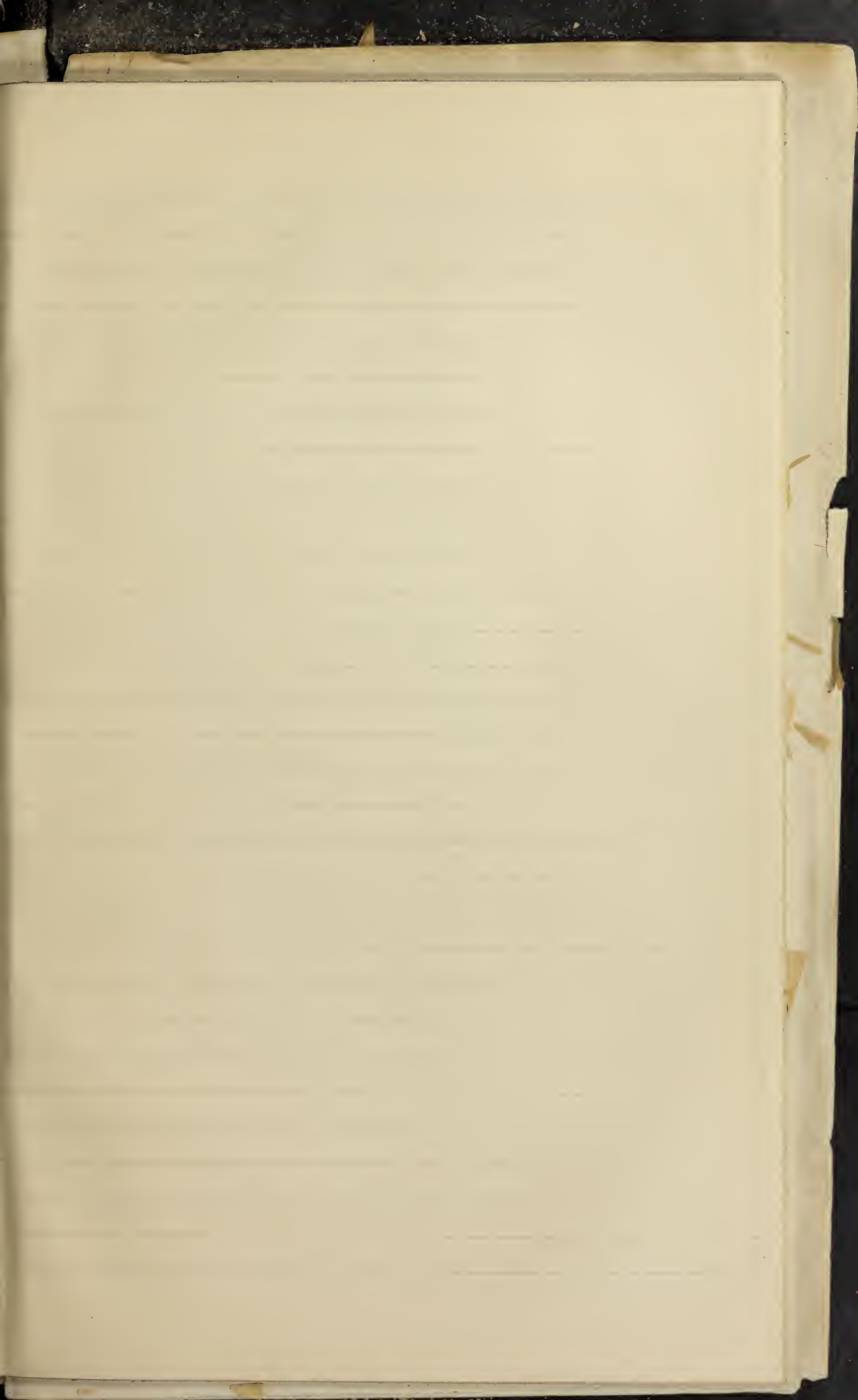
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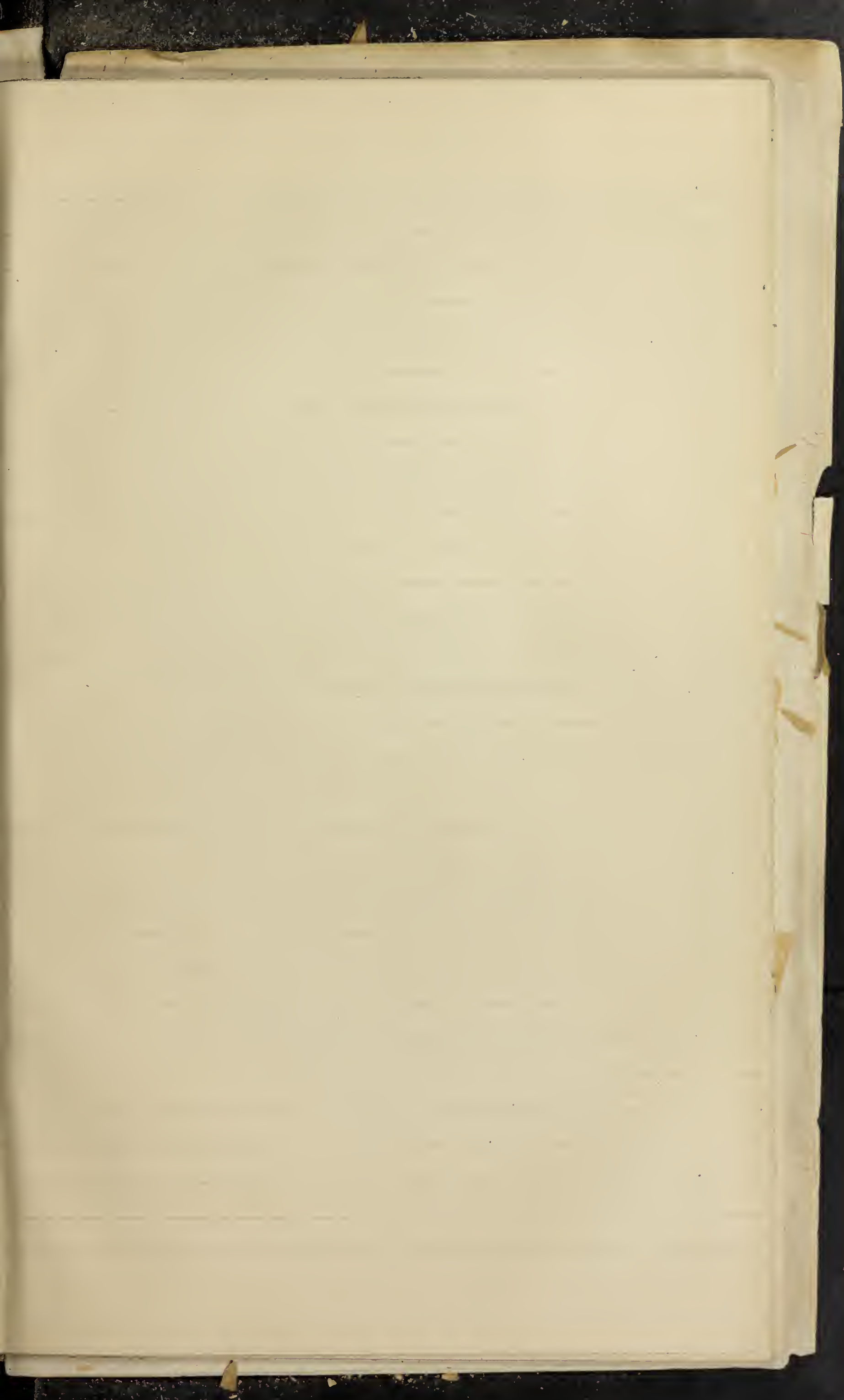
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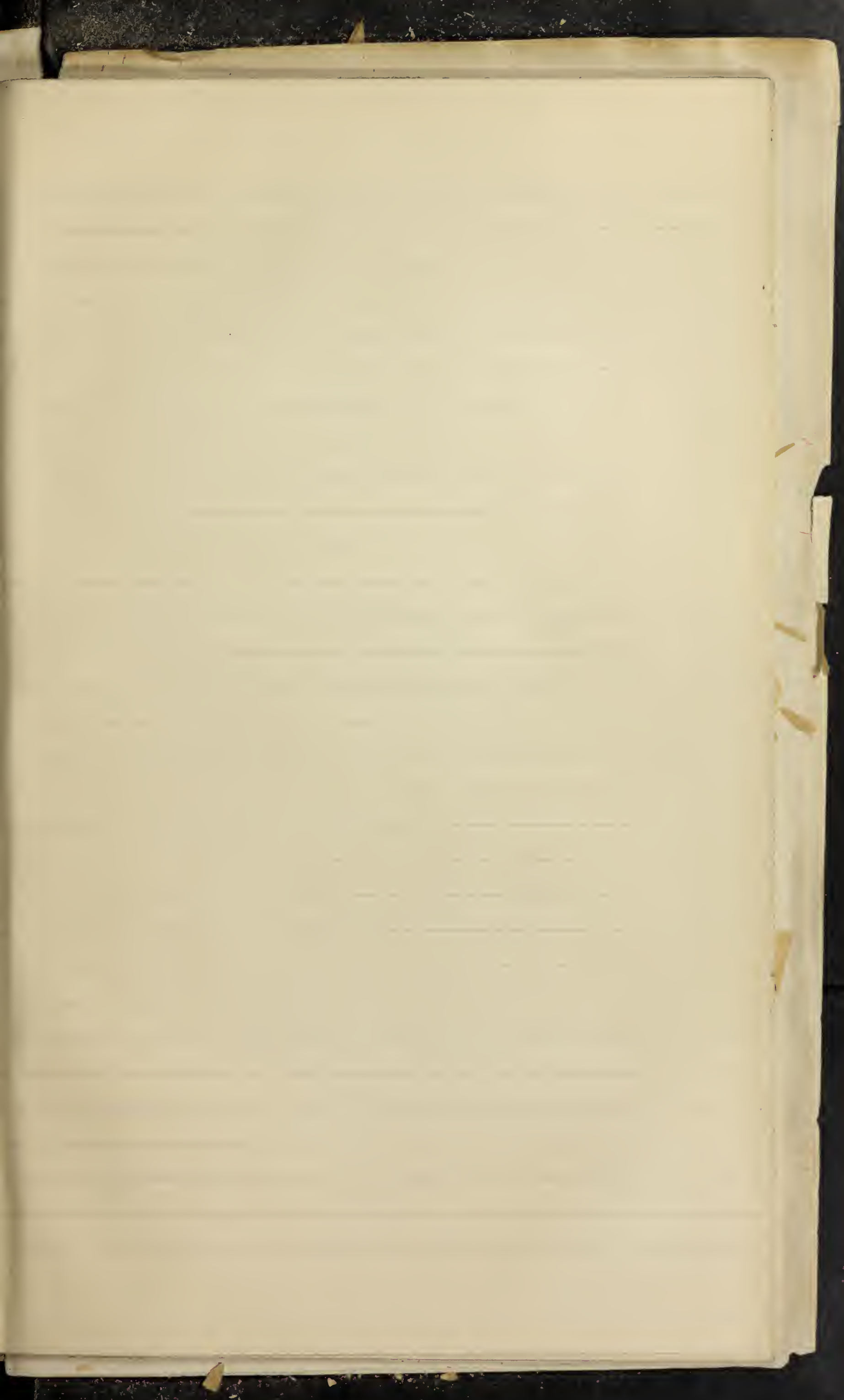
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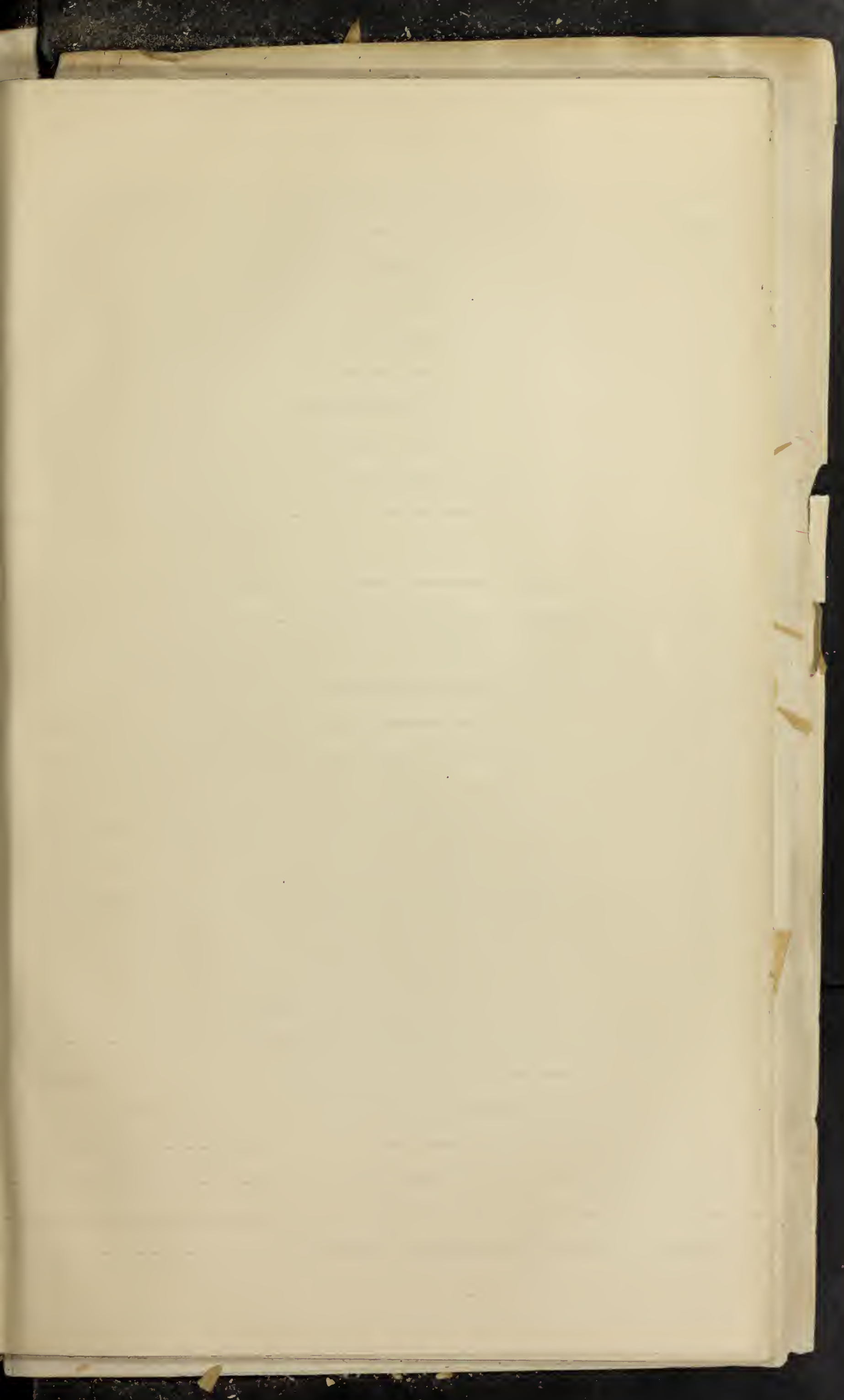
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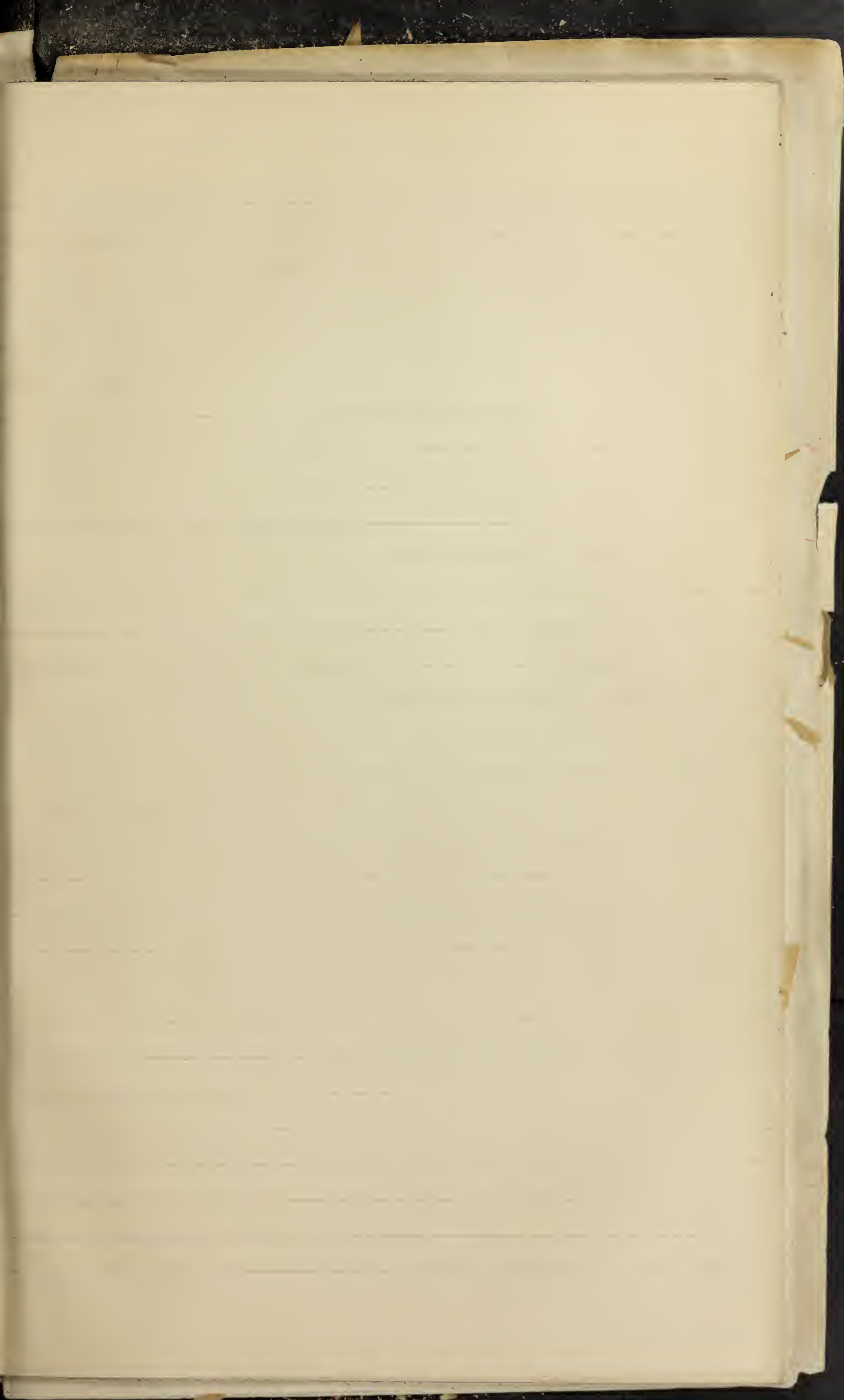


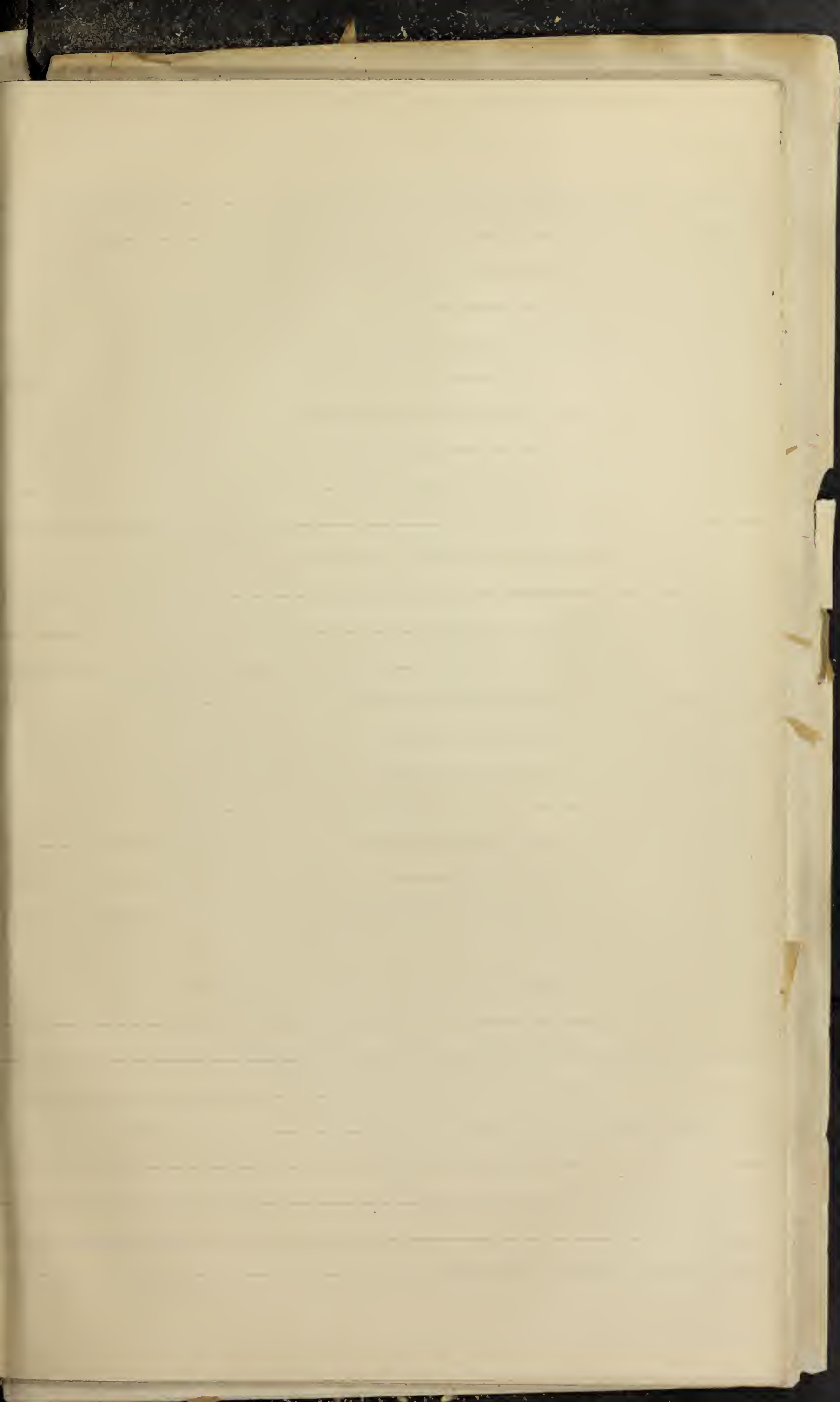


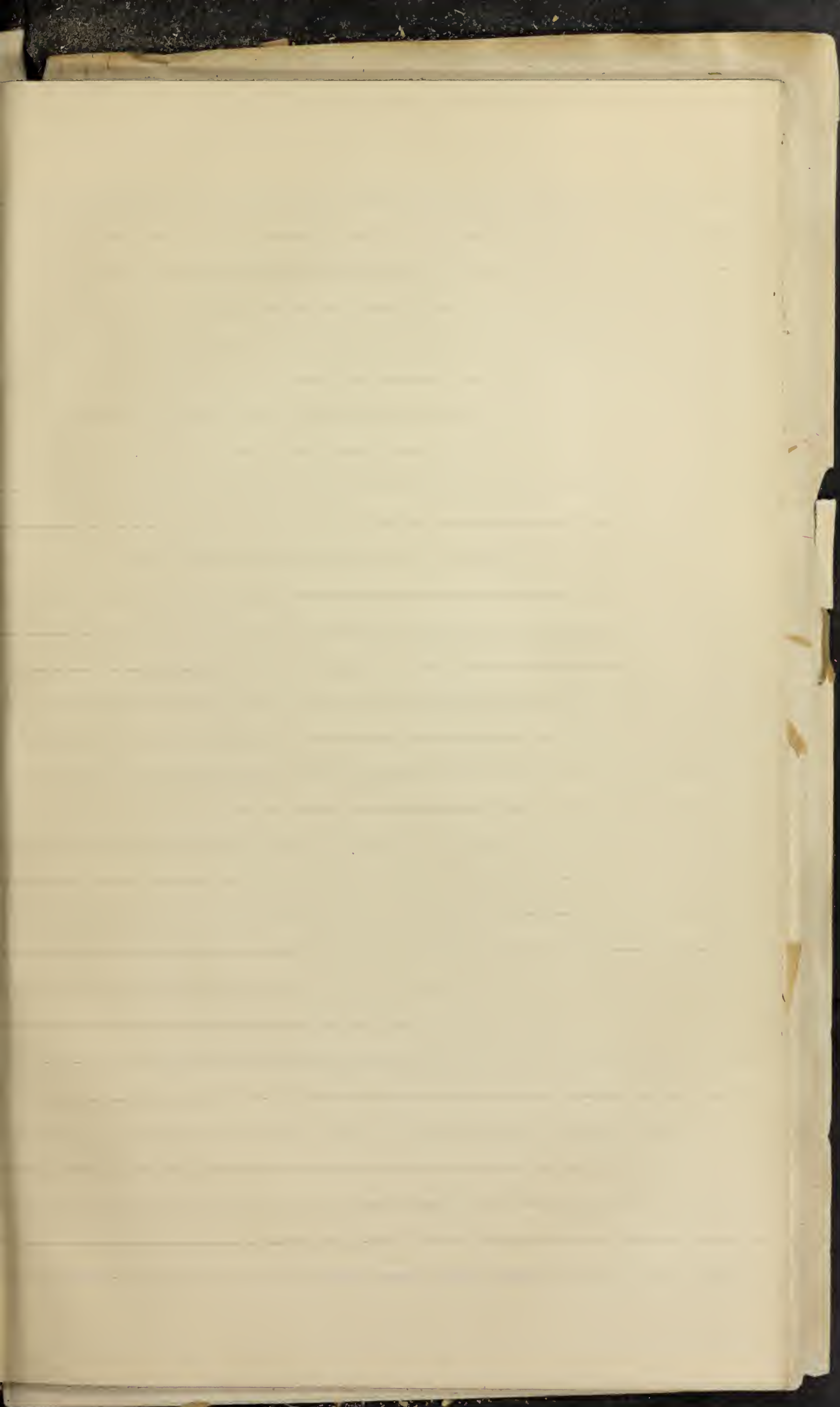


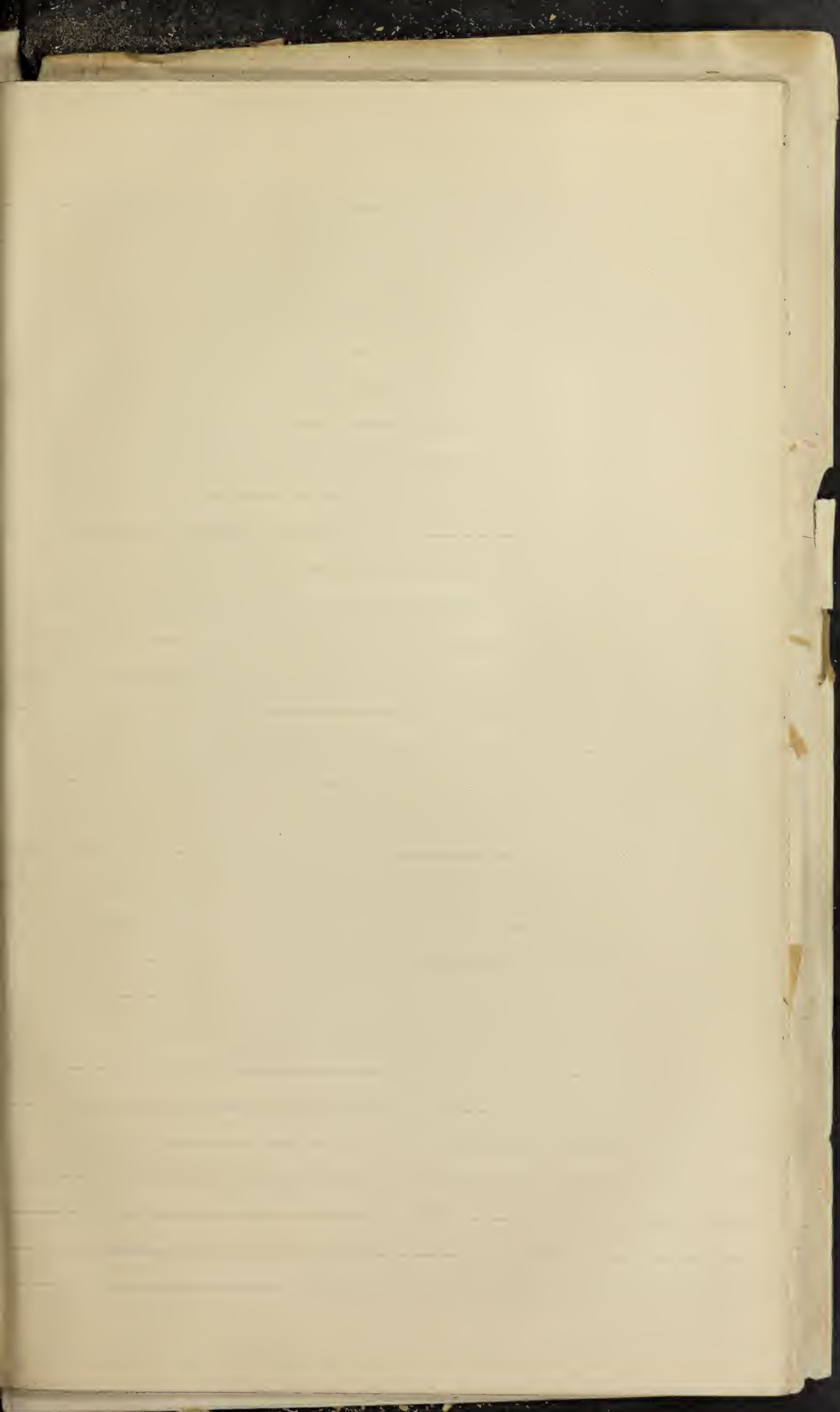


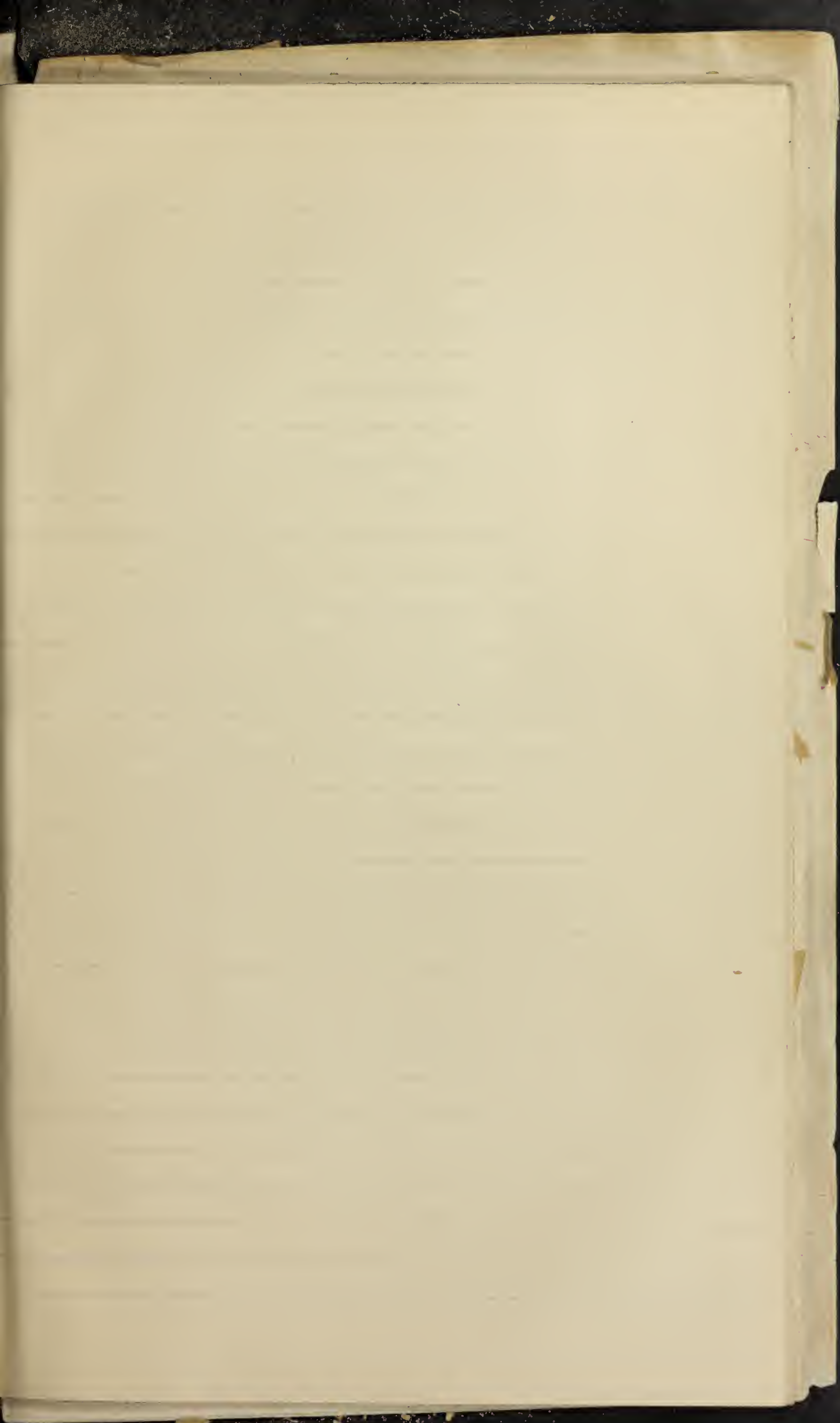


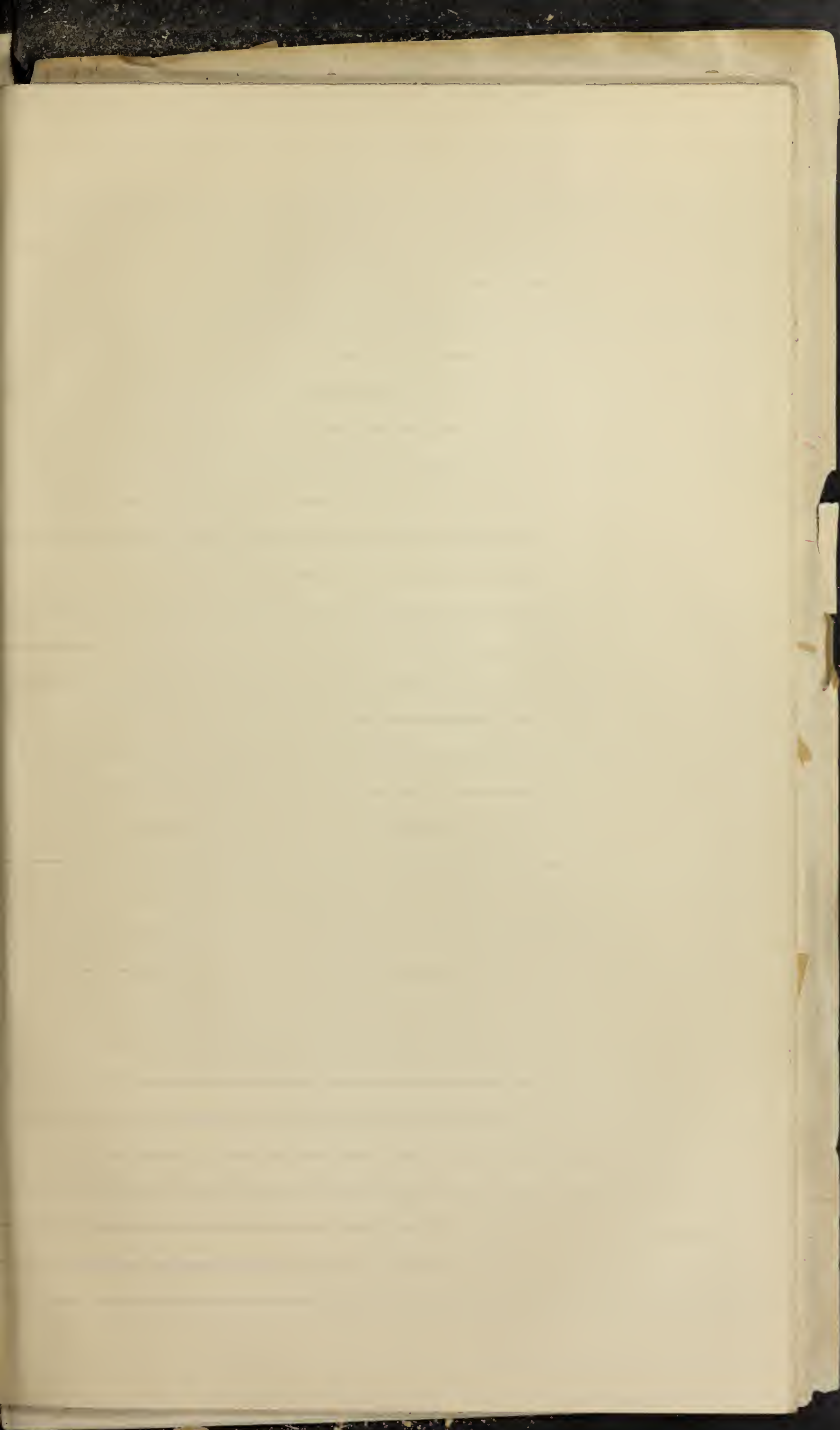


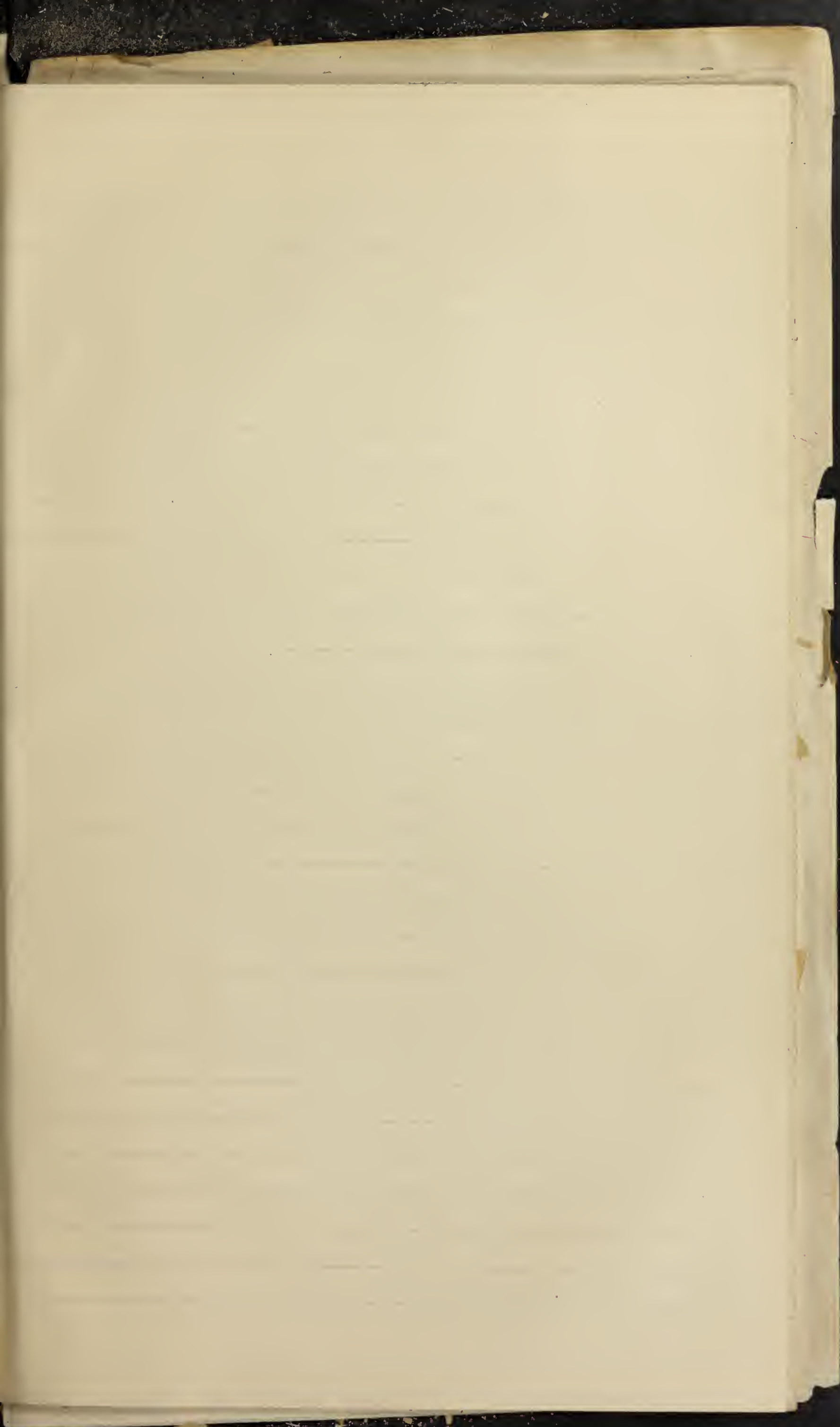


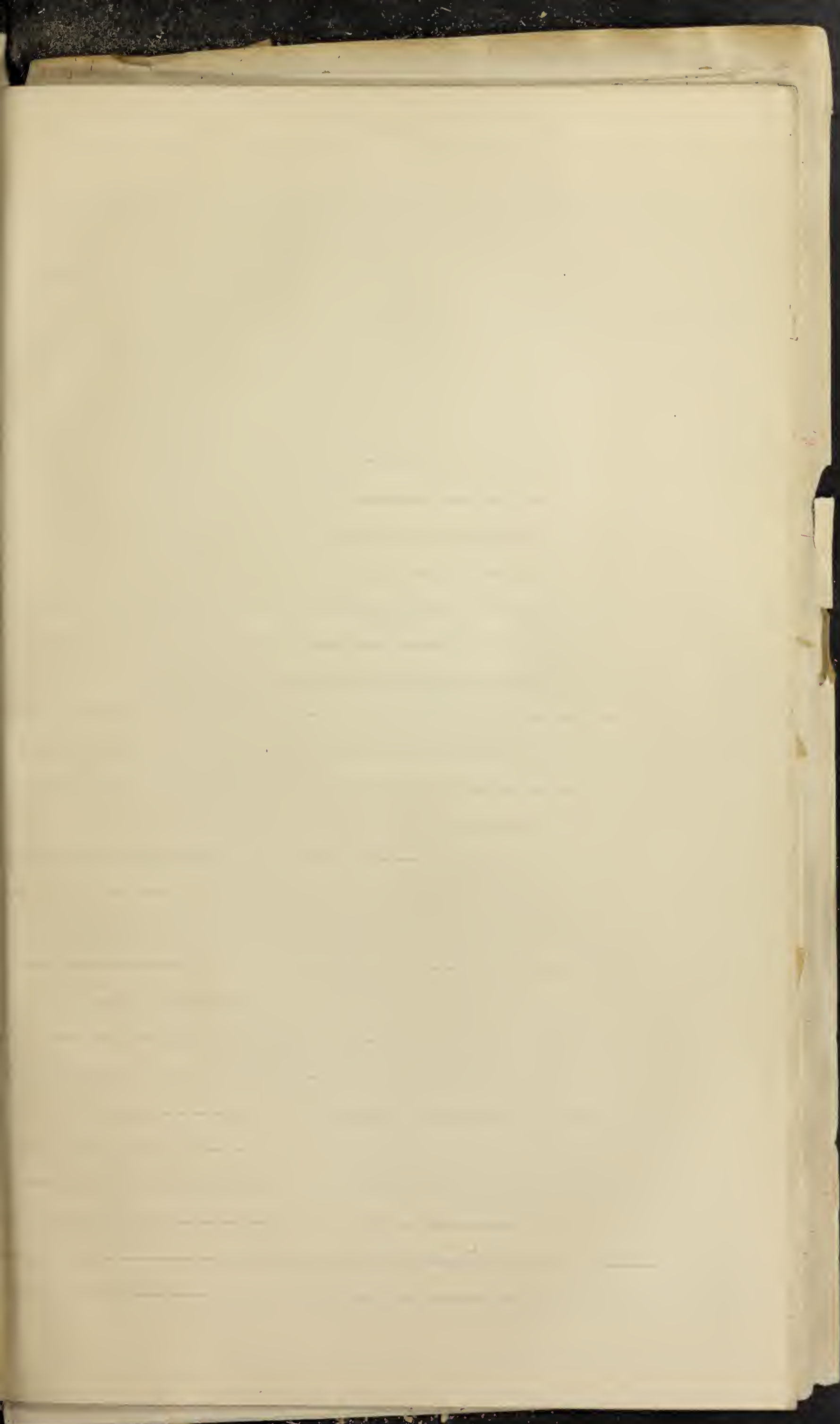


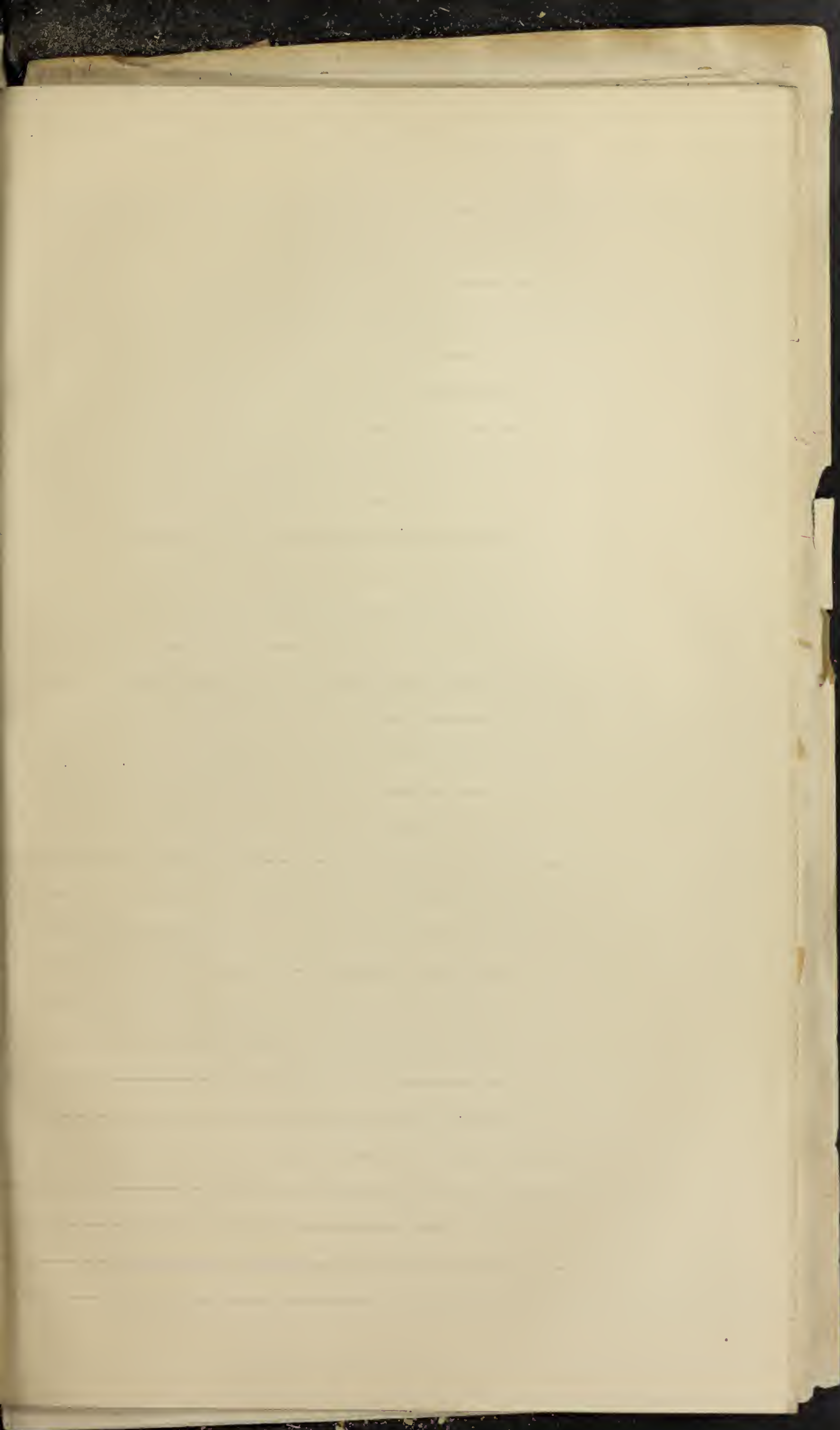


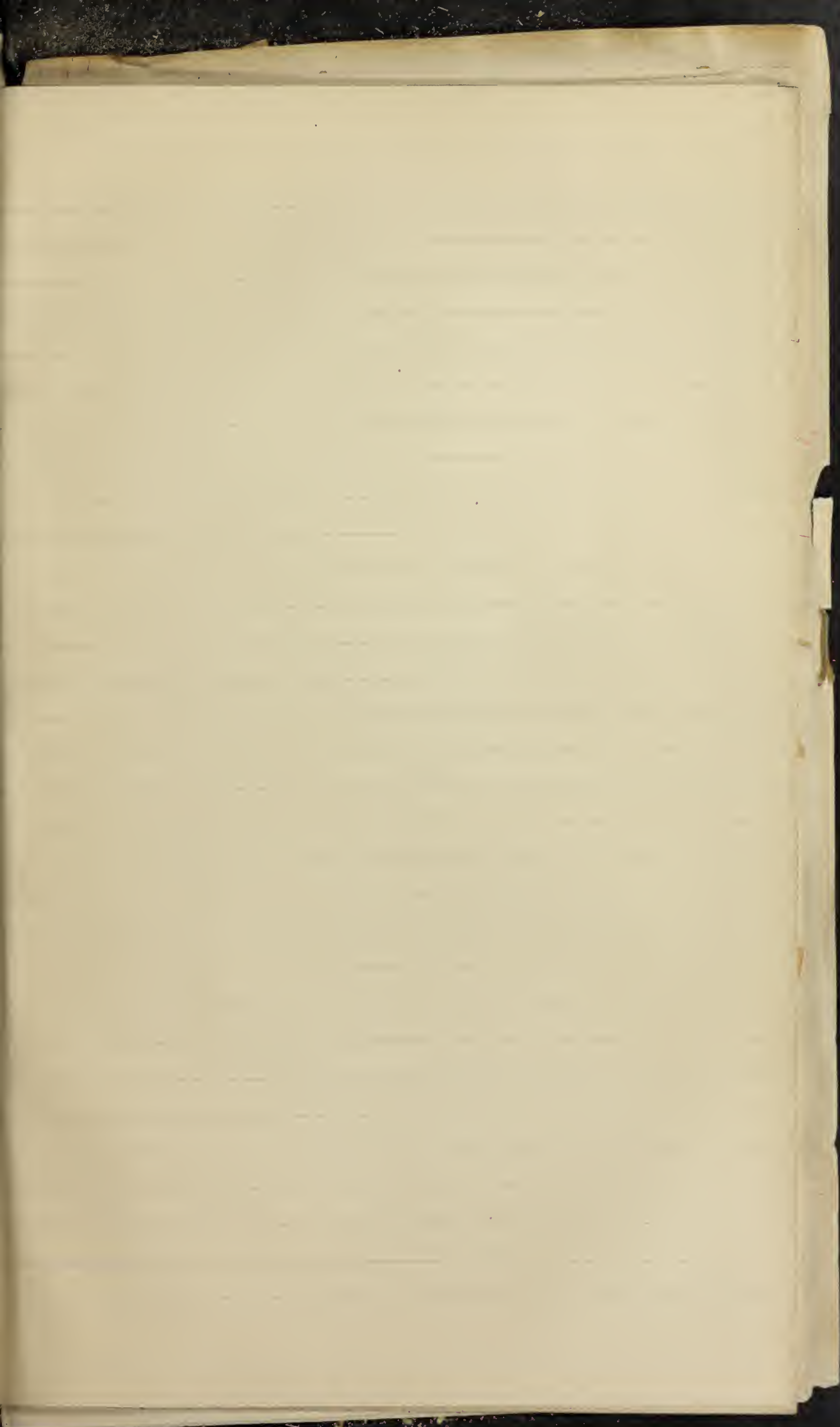


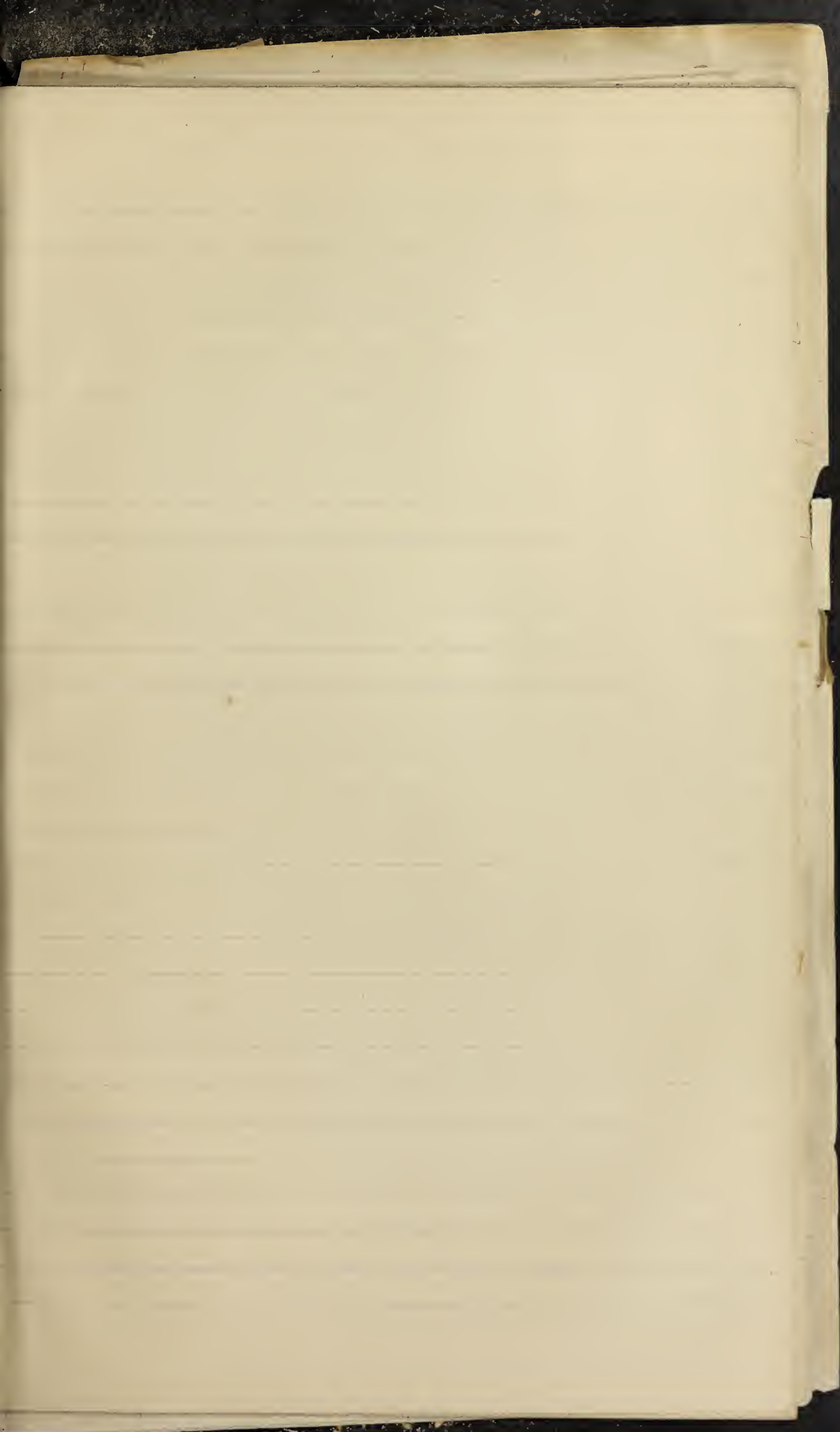


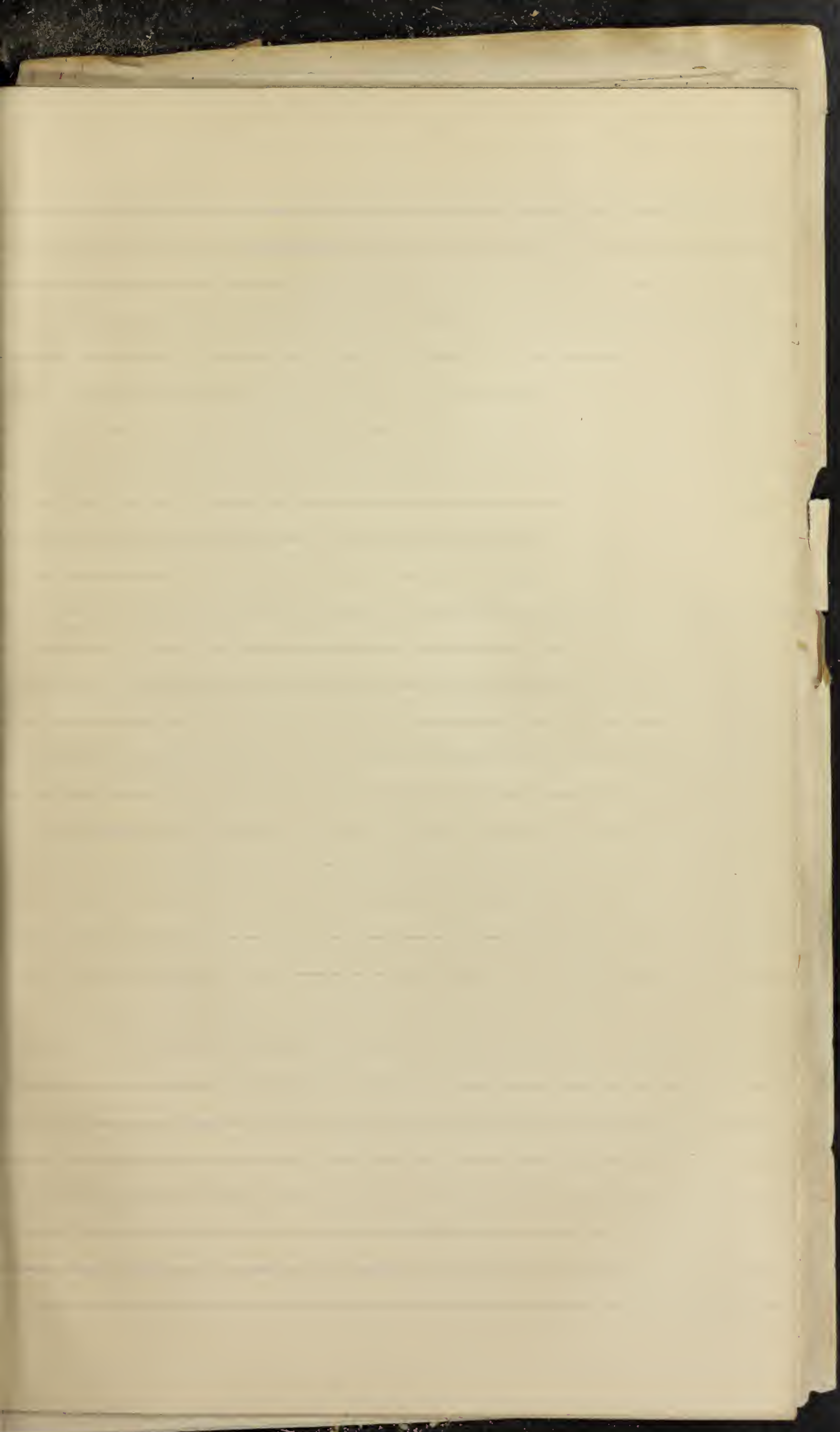


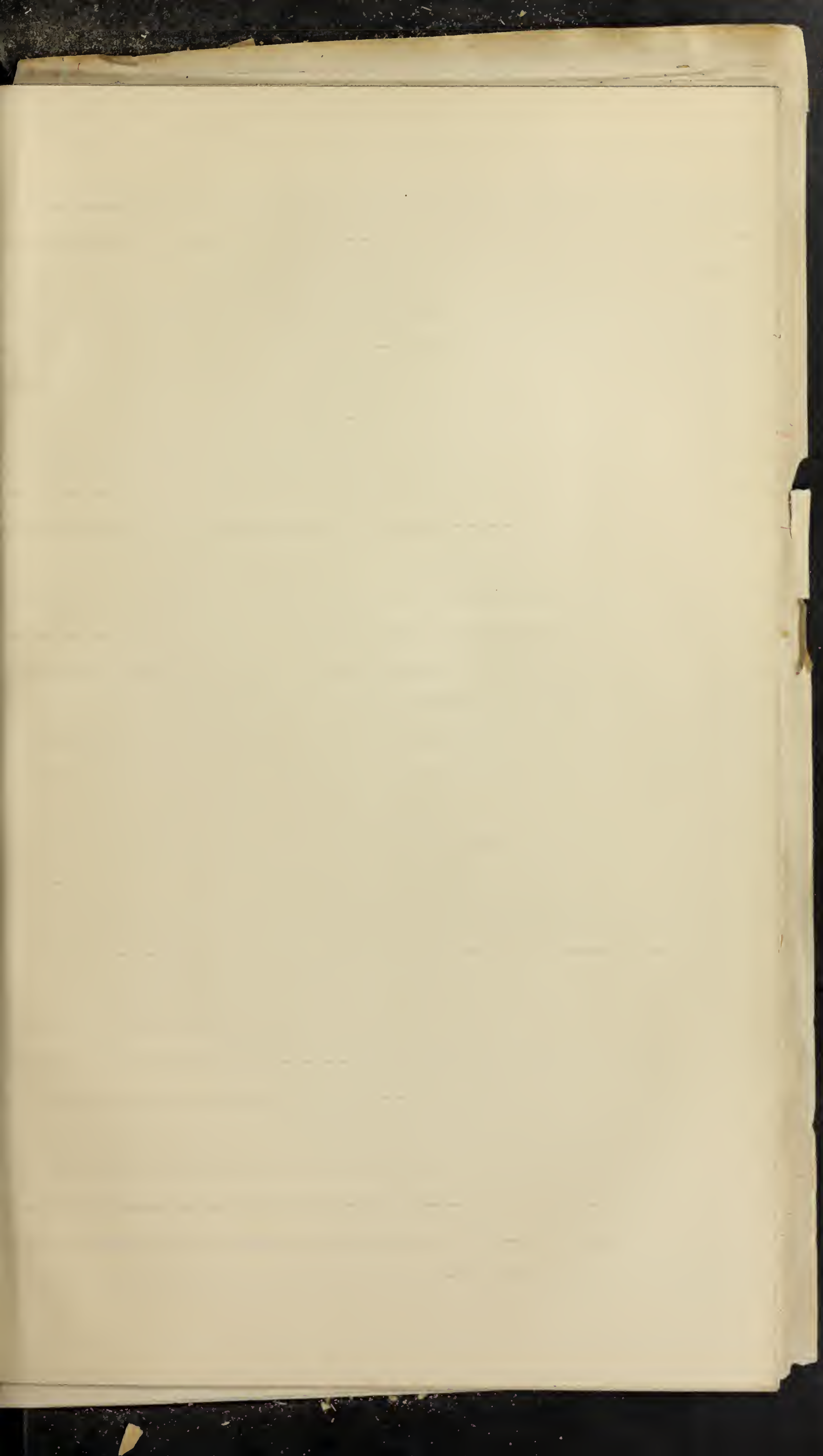


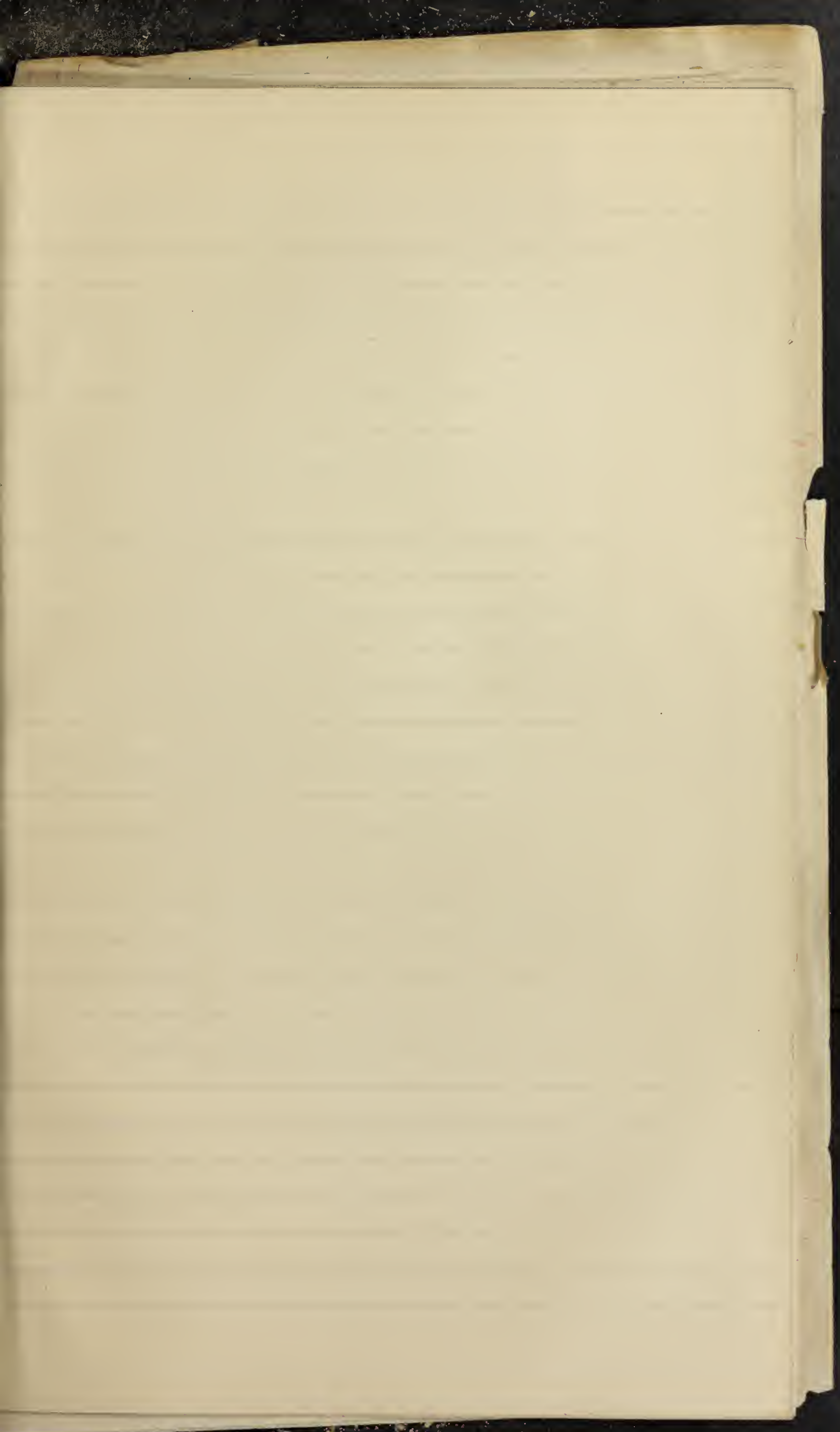


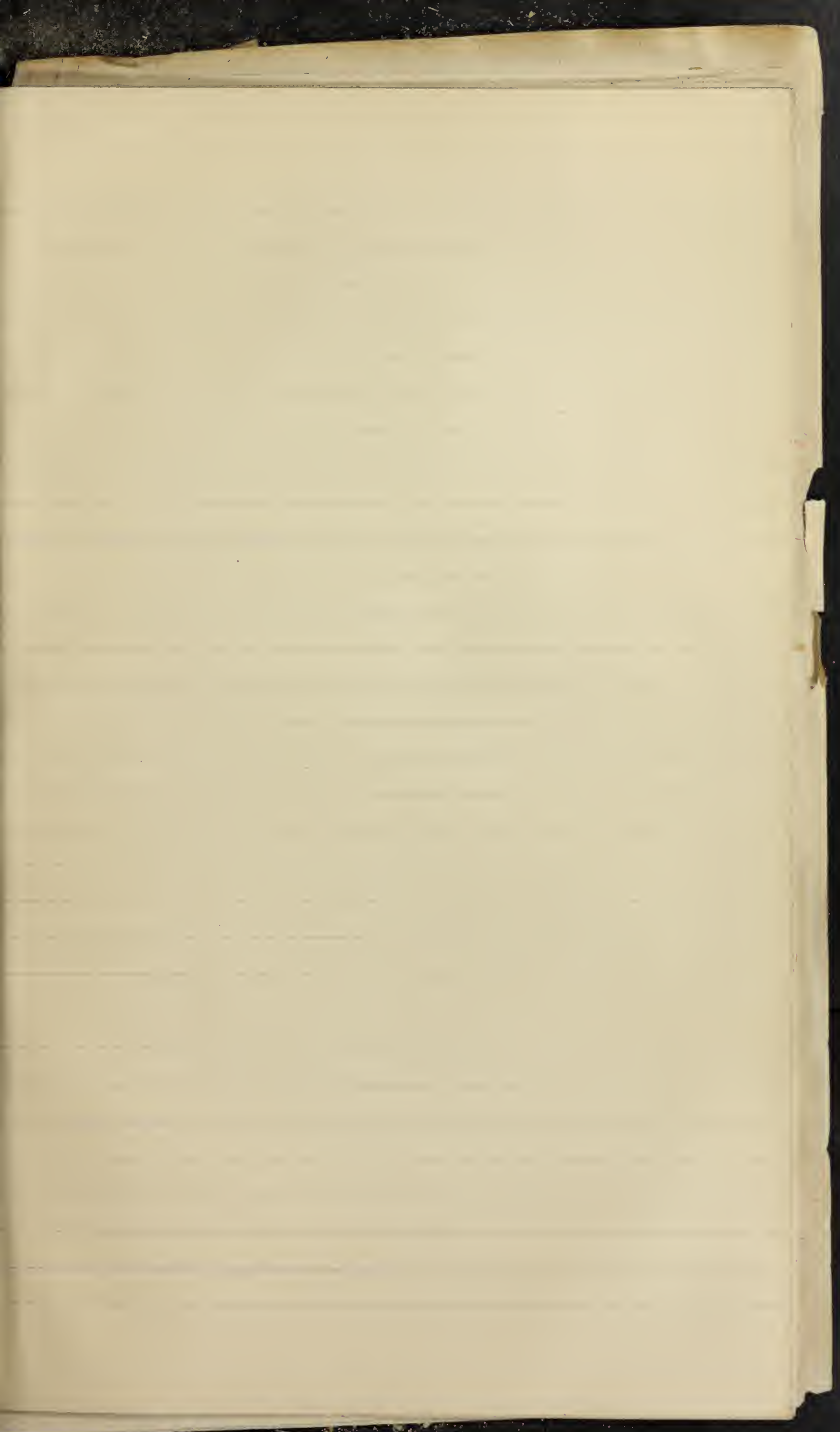


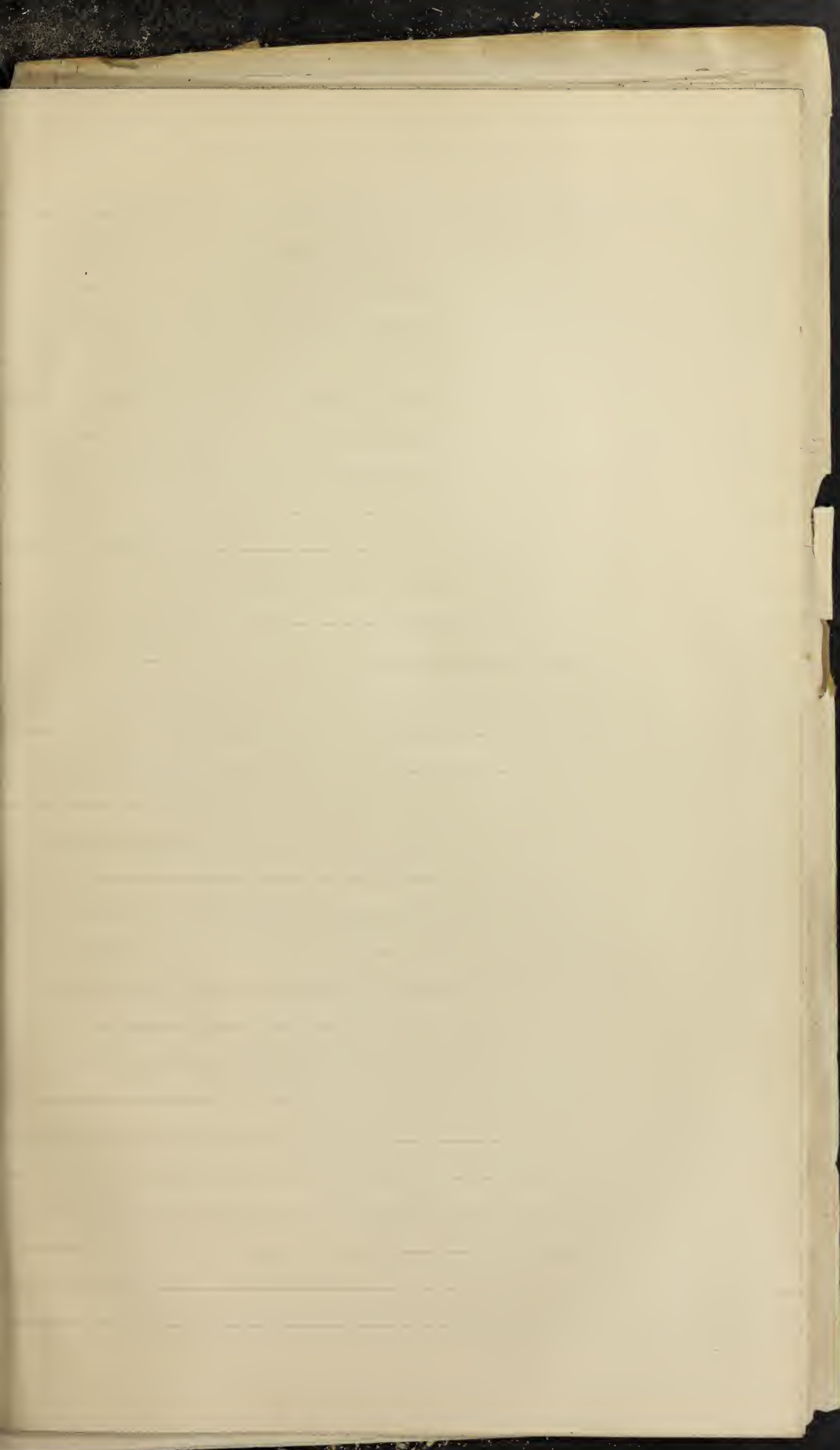


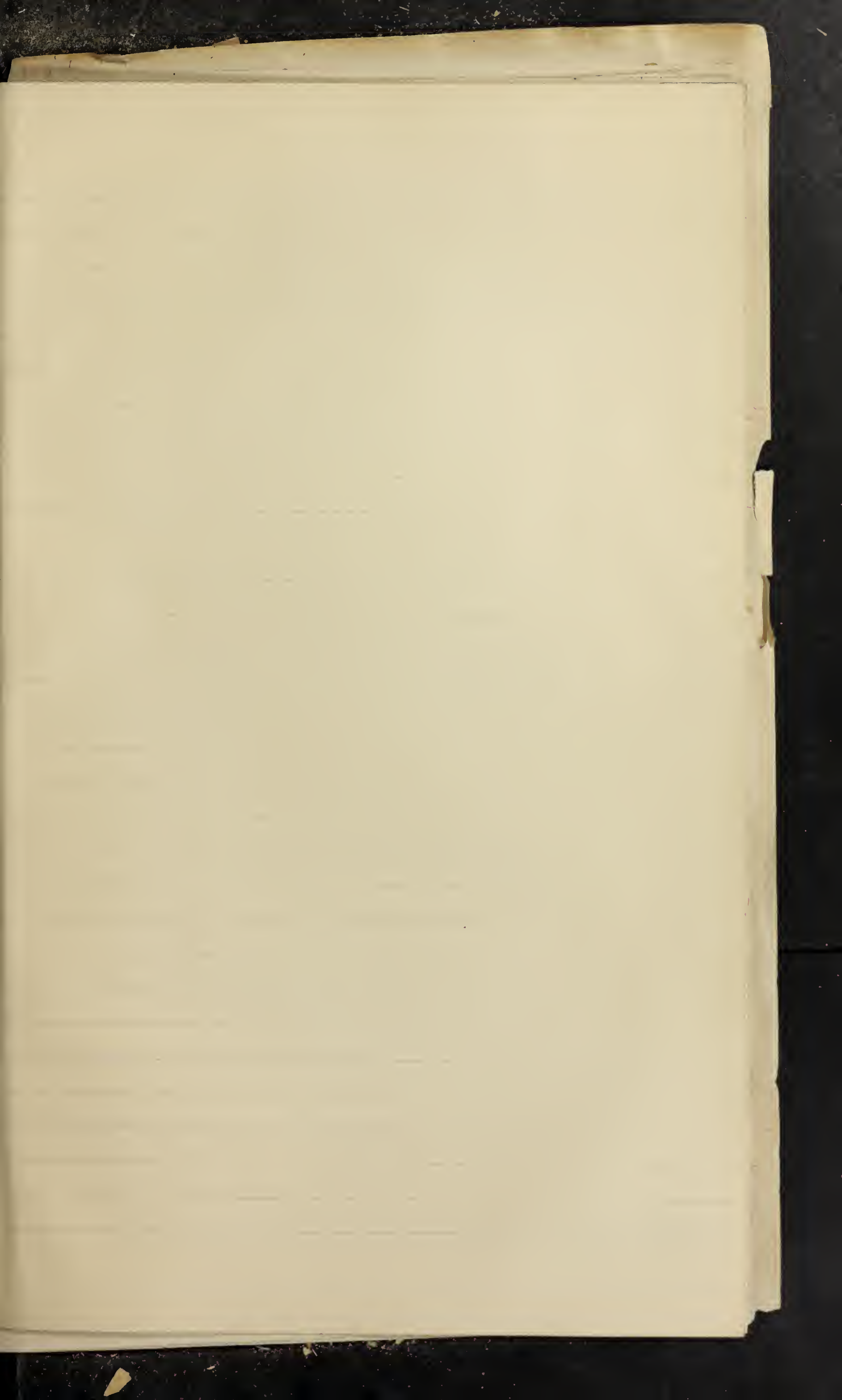


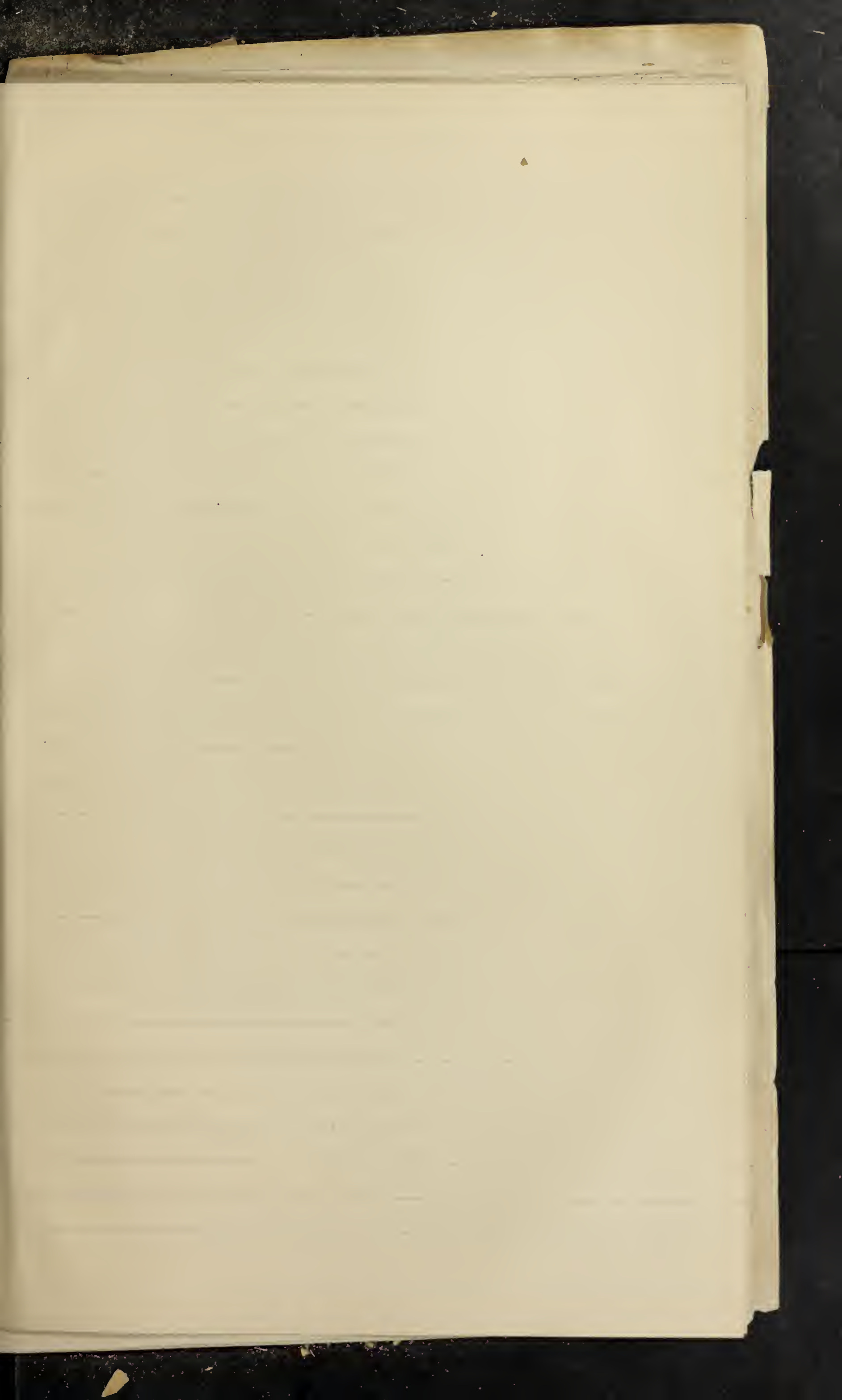


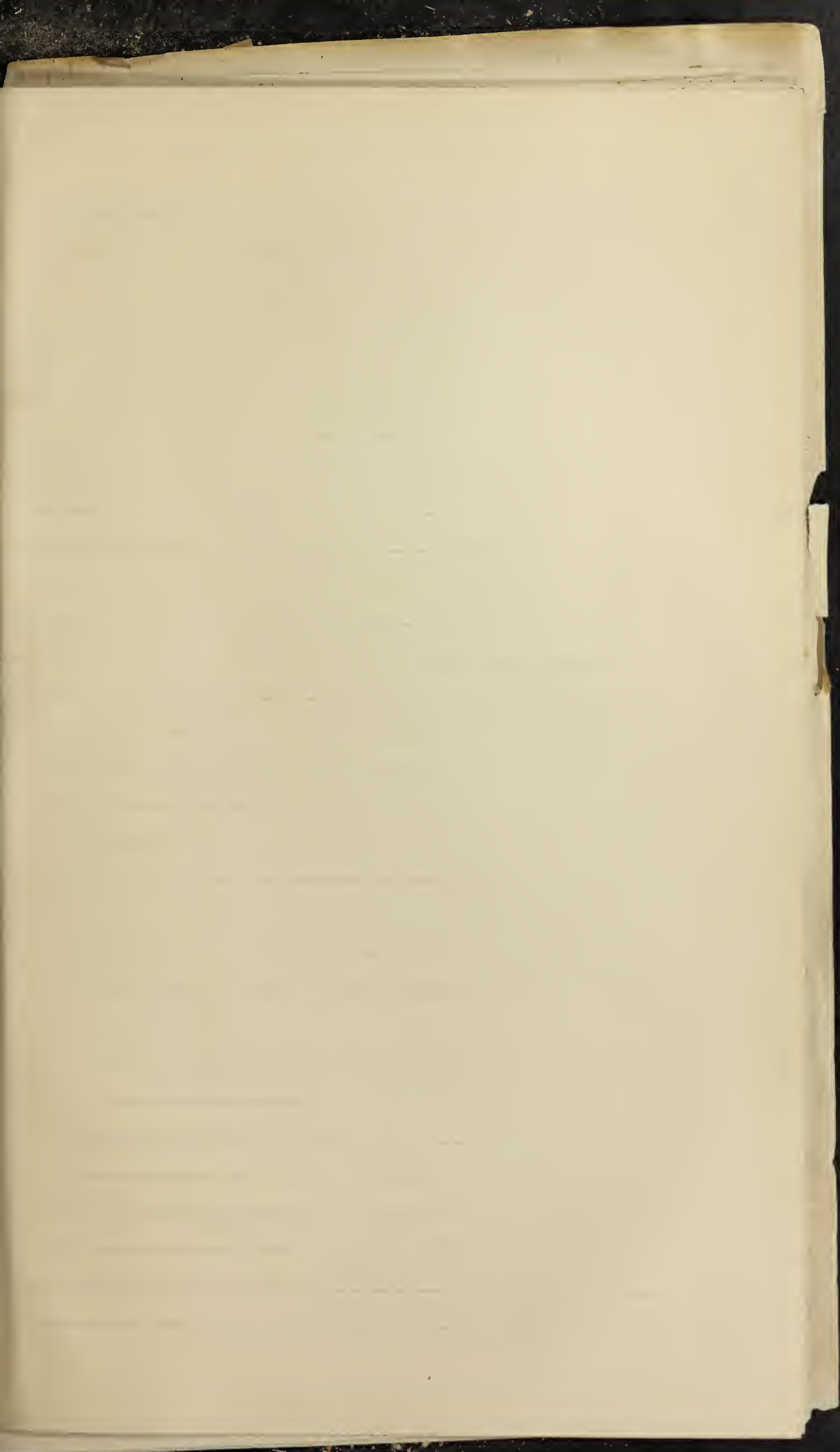


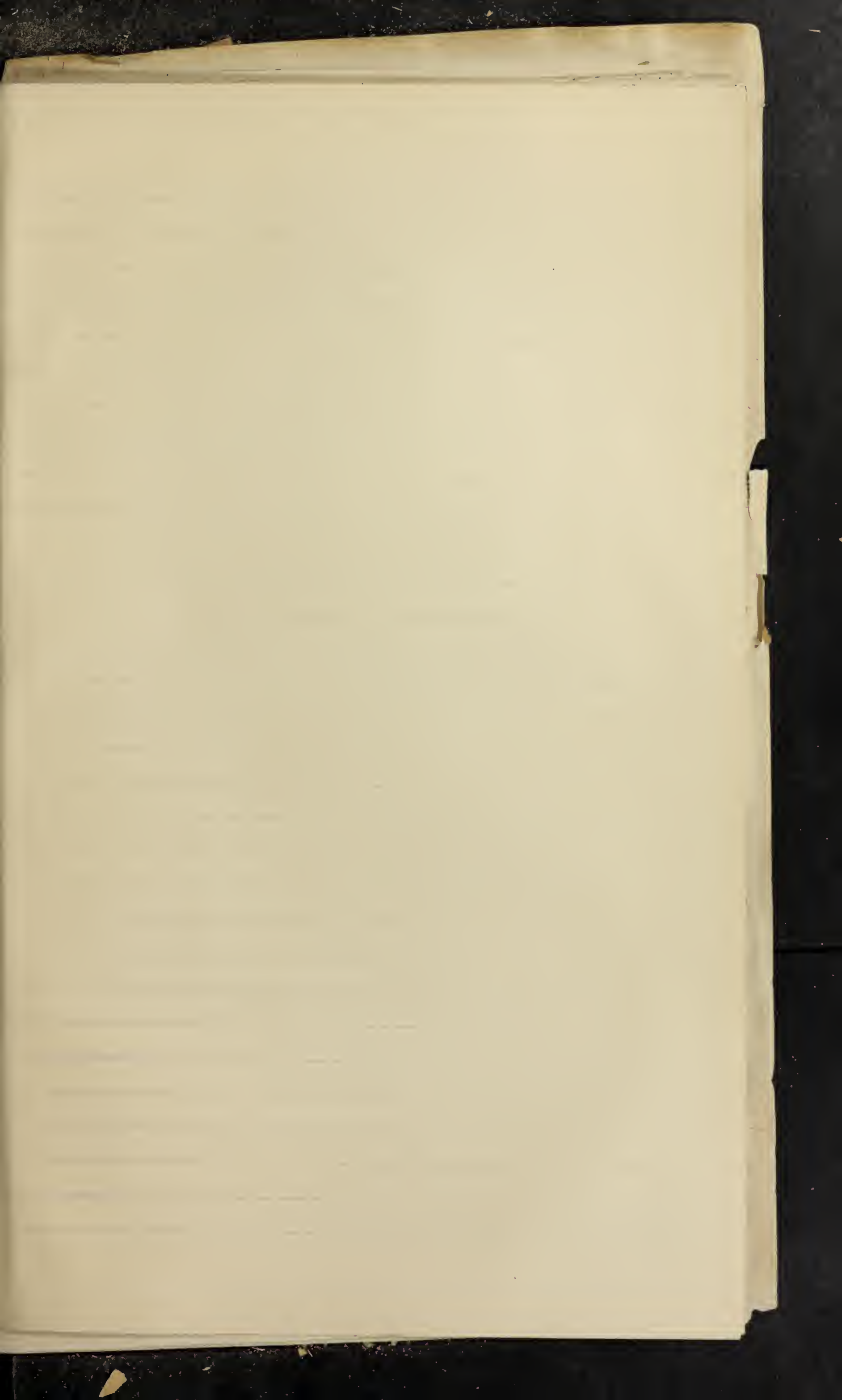


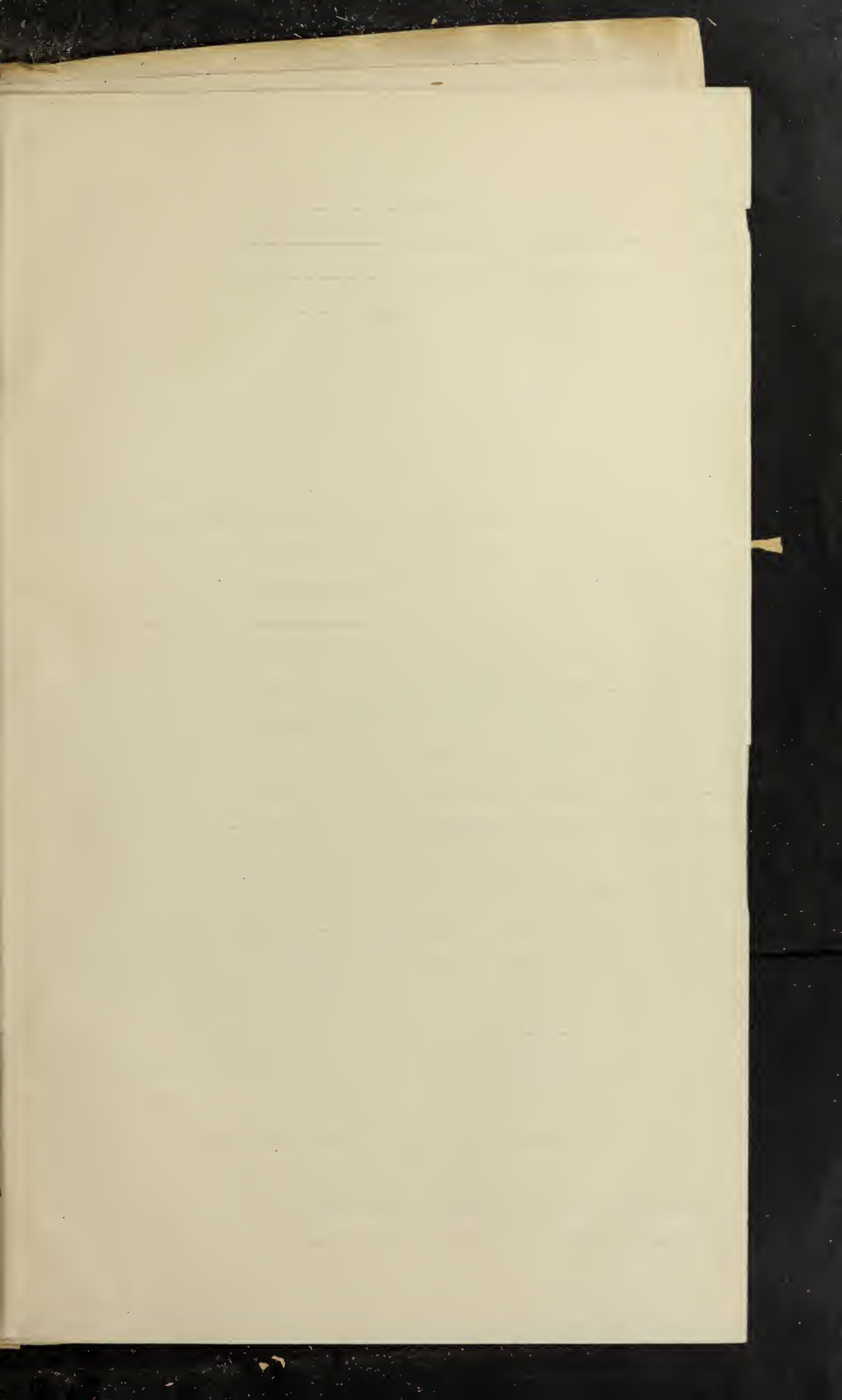


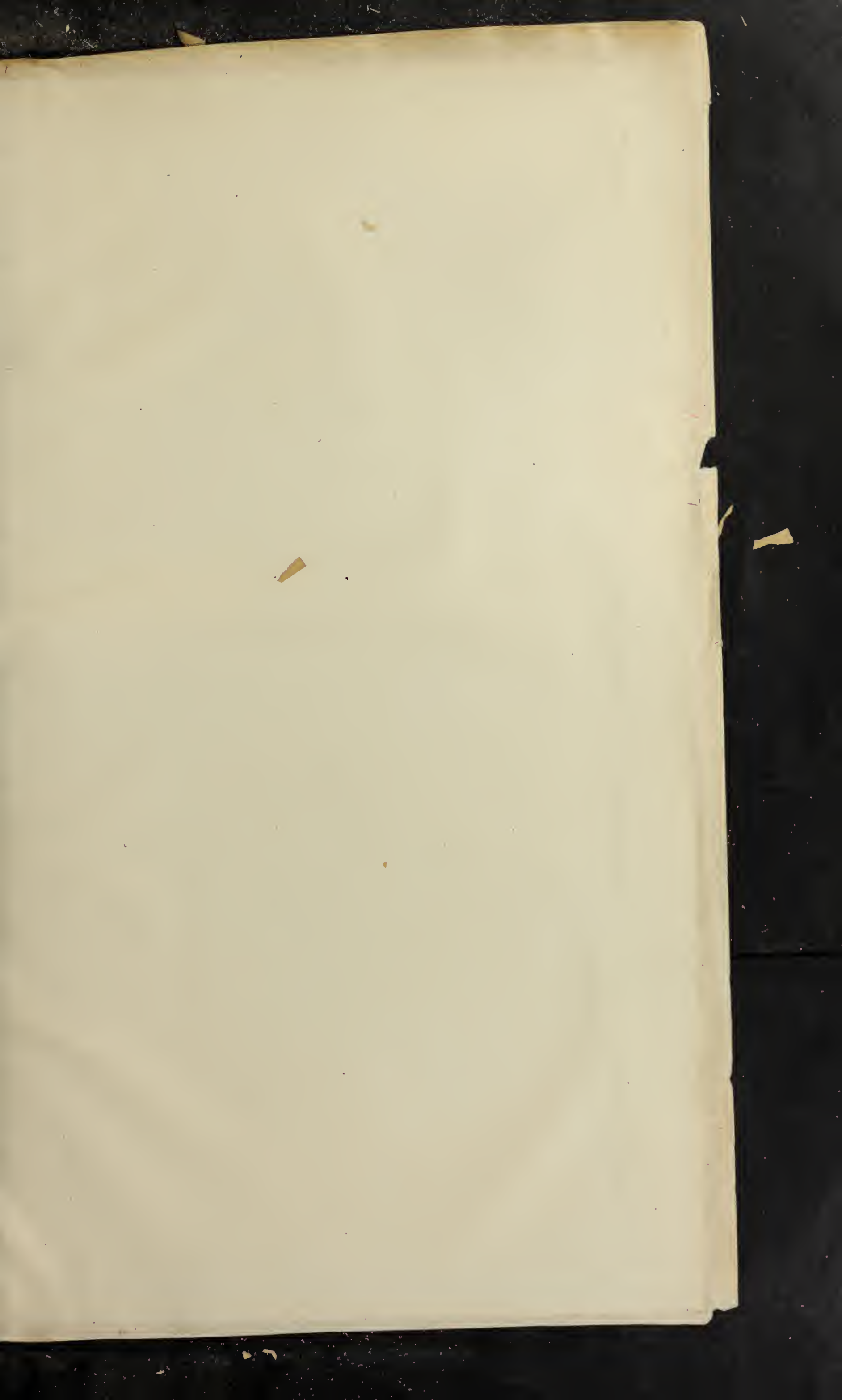




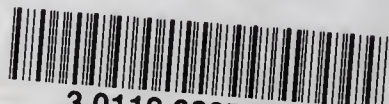








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